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ART IN ARCHITECTURE

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HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

OF THE

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

H.R. 2467

TO REQUIRE THAT FROM ONE-HALF TO ONE PERCENTUM OF ANY FUNDS APPROPRIATED FOR THE CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS BE USED FOR ARTWORK FOR SUCH BUILDINGS, AND FOR OTHER PURPOSES

H.R. 5545

TO ESTABLISH A PROCEDURE FOR ACQUISITION AND INSTALLATION OF WORKS OF ART IN PUBLIC BUILDINGS

NOVEMBER 14, 1979

Printed for the use of the Committee on Public Works and Transportation

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96TH CONGRESS
1ST SESSION

H. R. 2467

To require that from one-half to 1 per centum of any funds appropriated for the construction of certain public buildings be used for artwork for such buildings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1979

Mrs. SPELLMAN introduced the following bill; which was referred to the Committee on Public Works and Transportation

---

A BILL

To require that from one-half to 1 per centum of any funds appropriated for the construction of certain public buildings be used for artwork for such buildings, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Buildings Act of 1959, as amended, is amended by adding at the end thereof the following new section:

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96TH CONGRESS
1ST SESSION

H. R. 2467

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IN THE HOUSE OF REPRESENTATIVES

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Buildings Act of 1959, as amended, is amended by adding at the end thereof the following new section:

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"ARTWORK FOR PUBLIC BUILDINGS

"SEC. 18. (a) At least one-half of 1 per centum and not more than 1 per centum of any funds appropriated for the design, construction, repair, renovation, alteration, and acquisition of public buildings shall be used, in accordance with the provisions of this section, for the creation and acquisition of artwork for such building.

"(b)(1) There shall be established, for each project described in subsection (a), an ad hoc commission consisting of an odd number of members not less than three nor more than five. The membership of each such commission shall include the architect of such project and individuals selected by the Chairman of the National Endowment for the Arts in consultation with the Administrator of General Services, who are art experts and at least one of whom is a practicing artist. A majority of the members shall be residents of the area in which such project is to be constructed.

"(2) Members of a commission shall receive an honorarium while away from their homes or regular places of business in the performance of services for the commission, and they shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

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"(3) A commission shall cease to exist at the time the Administrator makes his selections pursuant to subsection (c)(5) with respect to artwork for the public building for which such commission is established.

"(c)(1) The commission appointed for such project under subsection (b) shall select the general type of artwork which shall be created or acquired, and the general locations within and outside of such project where such artwork shall be displayed, and shall notify the Administrator of such selections as soon as practicable after the architect's contract with General Services to design the project has been signed.

"(2) The commission shall, as soon as practicable, make its recommendations of not less than three artists or existing works of art ranked in order of preference, giving primary consideration to artists who are residents of the area in which the building is to be constructed.

"(3) The Administrator shall make the final selections from among such recommendations, giving preference to the commissioning of artists to create new works of art.

"(d) For purposes of this section the term—

"(1) 'art expert' includes, but is not limited to, artists, museum curators, and scholars in contemporary art, knowledgeable in the art of the region in which the building is to be constructed;

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"(2) 'artist' means a citizen of the United States or its territories who uses skill and imagination in the creation of artwork;

"(3) 'artwork' includes, but is not limited to, sculpture, painting, works on paper, and crafts; but excludes architectural graphics or signage; and

"(4) 'existing work of art' means a work currently owned by the creator of that work of art.".

96TH CONGRESS
1ST SESSION

H. R. 5545

To establish a procedure for acquisition and installation of works of art in public buildings.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 1979

Mr. ARDNOR introduced the following bill; which was referred to the Committee on Public Works and Transportation

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A BILL

To establish a procedure for acquisition and installation of works of art in public buildings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, a project for construction, alteration, repair, or reconstruction of a public building may include acquisition and installation of a work of art only if—

(1) the Administrator—

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(A) determines under subsection (a) of section 2 of this Act that the project should include acquisition and installation of works of art; and

(B) solicits and receives proposals for creation of works of art under subsection (b) of such section; and

(2) such work of art is selected under section 3 of this Act by the selection panel which the Administrator establishes to review proposals to be included in such project.

SEC. 2. (a) The Administrator shall determine whether a project for construction, alteration, repair, or reconstruction of a public building shall include acquisition and installation of works of art.

(b)(1) If the Administrator determines that a project for construction, alteration, repair, or reconstruction of a public building should include acquisition and installation of works of art, the Administrator shall solicit proposals for creation of such works of art from the American artistic community. Such proposals shall be in such form as the Administrator may determine and shall be in sufficient detail to indicate the design, size, and projected cost of the work of art.

(2) The Administrator shall submit those proposals which meet the requirements of this subsection and which the Administrator determines are appropriate for inclusion in

such project to the selection panel which he establishes for such project under section 3 of this Act.

SEC. 3. (a) The Administrator shall establish, for each project for construction, alteration, repair, or reconstruction of a public building which the Administrator determines should include acquisition and installation of works of art, a selection panel to review proposals for works of art to be included in such project. Such panel shall consist of ten members as follows:

(1) Four appointed by the Administrator.

(2) Six appointed by the Governor of the State in which the project is being carried out from among persons who reside in the area in which the project is being carried out.

(b)(1) The selection panel shall review the proposals for creation of works of art submitted to it by the Administrator and shall select that proposal which six or more of the members of the panel determine is suitable for inclusion in such project and notify the Administrator of such determination.

(2) If the panel is not able to select any proposal which is suitable for inclusion in the project from among the proposals submitted to it by the Administrator, the panel shall so notify the Administrator who may solicit under section 2 of this Act additional proposals for creation of works of art to be included in the project.

SEC. 4. Notwithstanding any other provision of law, the total cost of acquisition and installation of works of art under a project for construction, alteration, repair, or reconstruction of a public building shall not exceed one-half of one per centum of the total cost of the project, excluding the total cost of acquisition and installation of works of art.

SEC. 5. As used in this Act, the term—

(1) "Administrator" means the Administrator of General Services; and

(2) "public building" means any building acquired by the United States before, on, or after the date of enactment of this Act.

ART IN ARCHITECTURE
(H.R. 5545 AND H.R. 2467)

WEDNESDAY, NOVEMBER 14, 1979

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:55 a.m., in room 2167, Rayburn House Building, Hon. Elliott H. Levitas, chairman of the subcommittee, presiding.

Mr. LEVITAS. The Subcommittee on Public Buildings and Grounds will please come to order.

The subcommittee is meeting today to review the current General Services Administration's implementation of the art-in-architecture program.

As the members will note, we have two bills listed on the agenda today which I understand attempt to strengthen the program and allow for more local participation in the selection of artwork to be placed in Federal buildings throughout the country. Specifically, H.R. 5545, introduced by our distinguished ranking minority member, Mr. Abdnor, would establish a procedure for the acquisition and installation of works of art in public buildings. H.R. 2467, introduced by our distinguished colleague from Maryland, Mrs. Spellman, would require that from one-half to 1 percent of any funds appropriated for the construction of certain buildings would be used for artwork for such buildings.

Mr. Abdnor, do you have an opening statement?

Mr. ABDNOR. Yes, I do.

TESTIMONY OF HON. JAMES ABDNOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Mr. ABDNOR. Thank you, Mr. Chairman.

I take this opportunity to thank the distinguished chairman, Mr. Levitas, for scheduling this hearing regarding the art-in-architecture program, and specifically addressing the bill I introduced, H.R. 5545.

Several months ago a sculpture entitled "Hoedown" was installed in front of a new Federal building in Huron, S. Dak., as part of GSA's art-in-architecture program. That piece of so-called artwork enraged the community so badly that I was presented with 5,000 signatures on a petition demanding its removal, and informing me they would be happy to go out and get another 5,000, but they stopped at that. This town is a city of 15,000 people.

The action by the community of Huron caused me to look further into the entire art-in-architecture program administered by GSA.

The main problems I have with the current program include first the manner in which the artists are selected; two, the way artwork is commissioned; three, the final selection of artwork actually installed; and four, a lack of participation, local participation, in the selection process.

Currently the art-in-architecture program is simply an administrative function of the GSA that is determined by the whim of the Administrator. The program began in 1963, was suspended in 1966, began again in 1972, and was again suspended in 1976 so that the program could be studied and reviewed.

I asked for a copy of that study and was told no study was printed, but that procedures had been changed. Currently, GSA states the procedures will again be changed.

H.R. 5545 would settle this inconsistency once and for all and codify the art-in-architecture program. It spells out steps to be followed and makes the entire program credible. GSA has asked that we wait before taking legislative action, so that they can again change the program.

Now, I question the validity of the GSA intent, as this program has been in existence for over 16 years and it has never been satisfactory. I, as well as others, have difficulty in even getting my letters answered. A letter on this subject was submitted by me in September that still sits at GSA unanswered. Congresswoman Spellman introduced H.R. 2467 and submitted the bill last March to GSA for comment, and I understand she has not yet received a response.

If GSA cannot respond to the Congress, I don't think it is in a position to administer a program as important as this one without the help of the Congress.

I have a number of questions I will ask of the witnesses here today, and I am hopeful that the answers sufficiently address the subject. However, if the answers are anything like the testimony we received late last night, I am not very optimistic.

Thank you, Mr. Chairman.

Mr. LEVITAS. Thank you, Mr. Abdnor.

We have with us at this time our colleague from Maryland, Mrs. Spellman, who is the sponsor of H.R. 2467. We would invite Mrs. Spellman to come to the witness table to present her testimony in support of her legislation.

We welcome you to the subcommittee.

TESTIMONY OF HON. GLADYS SPELLMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mrs. SPELLMAN. Thank you, Mr. Chairman.

It is a delight to be here. It would be a delight to be here even if it weren't for the fact that you're working on something that is dear to my heart, As a matter of fact, not even the Banking Committee mark-up on the Chrysler legislation this morning could keep me from coming to testify on this bill.

Mr. LEVITAS. I take it that's not a "work of art." [Laughter.]

Mrs. SPELLMAN. I dare say, by the time it's finished it will look like Picasso. [Laughter.]

I believe that art is an important, humanizing element in our environment, that it should be encouraged by our Federal Government, and that it should be encouraged in the Federal buildings.

Livingston Biddle, the Chairman of the National Endowment for the Arts, during the hearing before the Senate Subcommittee on Civil Service in September, said it very, very well—and I'm going to quote him:

> By providing art in public buildings, the General Services Administration is making an effort toward making the government more hospitable, more imaginative, as an agent of the public's business. I would think we would all agree that lessening a perception of government that is remote and impersonal is to be greatly encouraged. How much better to suggest through the use of artworks a sense of visual excitement, energy, and challenge.

Well, I couldn't agree with him more.

A crucial factor in the GSA program, and one which my bill and the bills that you have under consideration here today would address directly, is local participation in the selection process. You no doubt have heard criticism of some of GSA's art works and that hardly surprises me. I am sure that it doesn't surprise you. Art, by its very nature is controversial.

But I suspect that a good bit of the controversy surrounding some of the art choices stems as much from limited local participation in the selection of the work as from the work itself. My bill requires local participation in the selection process, beginning with the requirement that a majority of the selection commission be residents of the area in which the project is to be constructed.

It also requires that primary consideration be given to artists who are residents of the area, further emphasizing the grassroots aspect which can be developed through the program.

Local majority on the Commission, and local artists consideration, I am sure, would reduce controversy over the program by allowing it to respond more to local tastes than has occurred in the past.

I feel strongly that we need to put the program into law rather than permit it to be continued as part of executive fiat, to be administered by the Administrator of GSA, if he sees fit, or to be ignored by the Administrator of GSA, if he thinks fit. The very tentative nature of the fiat brings about a sort of zealous quality when the program is operating full steam. With a more solid foundation, the zeal would be tempered with further sensitivity to local desires.

Now, there certainly are those who feel the program will be inflationary and that we should, instead, reduce project budgets by one-half percent and eliminate the artwork. They will be arguing that this has nothing at all to do with Government productivity. I can only point to the late Dr. Abraham Maslow's studies of people's basic needs, which showed that the need for beauty is deep seated and that ugliness can actually be sickening to many individuals.

I have worked with hospitals over a number of years, and when we built a new structure, a new wing in the hospital, or a whole new building, in a hospital that I was directly concerned with, we spent a great deal of time considering the color, considering beauty. It makes all the difference in the recovery rates of patients. We know that art influences productivity, that the surroundings make a great deal of difference in the way people work.

Dr. Maslow's experiment showed that the effects of ugliness are universally dulling and stultifying, and that in strictly biological terms one needs beauty as one needs minerals in the diet. It may very well be that the sterility of some of the Government buildings contributes to dullness of spirit. We need to brighten that up.

So, in closing, I reiterate my support for the GSA arts-in-architecture program. I think that the measures before you will only improve it. I look forward to working with you and with the subcommittee on them.

Thank you, Mr Chairman, for giving me the opportunity to be here.

Mr. LEVITAS. Thank you, Mrs. Spellman, for your statement and for your interest in this important matter. I can assure you that is is a matter which has demanded the interest and concern of this subcommittee for some period of time now.

You make the point in your testimony that one of the problems with the current art-in-architecture program is that is is now not law, but it is, rather, based on the discretion of the Administrator at a particular time; one may be more interested, another less interested, and one may have certain predilections, another may have different ones.

Do you feel that there would be sufficient flexibility, however, in making judgments as to the amount of art in architecture in a facility in the legislation you proposed—and let me give you an example of what I'm talking about.

Mrs. SPELLMAN. Surely.

Mr. LEVITAS. In some instances we have to consider prospectuses that affect monumental and historic buildings. which are already works of art in themselves and contain a great deal of art. I am thinking, for example, of the U.S. Customs House in New York City which we have recently authorized a $28 million renovation and restoration project. It was the judgment of this committee in looking at that particular project that the art-in-architecture funding was unnecessary, at least to the level that it had been suggested by GSA, because of the magnificent artwork already in the building, on the building, and around the building. After taking a look at it, the subcommittee and the full committee made a judgment that we didn't need the type of funds they were talking about for art in architecture.

How would you deal with that type of situation?

Mrs. SPELLMAN. Since we would have a committee that would make decisions as to the art that is selected, we probably could allow that committee and give it the leeway to make the determination that in given situations art would not be needed, that there already was sufficient coverage. I think that could be handled easily, and it would make very good sense.

Mr. LEVITAS. I believe I understand one aspect of your legislation—and I think it's the same type of sentiment embodied in Mr. Abdnor's bill—that there be a great deal more local influence in the selection process of the art that would be put into Federal buildings.

How do you see this working? Who would designate those people that would go on this selection committee? Would it be designated—how would you think they could best be designated?

Mrs. SPELLMAN. In my bill we require an ad hoc commission, consisting of an odd number of members, and that the members would include the architect of the project and individuals selected by the Chairman of the National Endowment for the Arts, in consultation with the Administrator of GSA.

If I were the Chairman of the National Endowment, or if I were the Administrator of the General Services Administration, I would involve local officials in the selection process. You almost have to. I can't imagine there is anybody here in Washington who knows people in every community, where they could just reach out and bring them in. The very nature of this indicates that you would have to consult with local people.

It makes such good sense to involve local people, because our ideas on art are very much influenced by our environment and by our own experiences. When you involve people from the communities, they are far more likely to choose art that would be acceptable and loved by the community itself.

I can just see a spirit for art being created in the various communities as a result of these kinds of selections. They would be far more sterile and far more removed if they were made by a group right here in Washington or any one place in the country.

Mr. LEVITAS. I have one last question, and that relates to a suggestion or proposal in your legislation which seems to emphasize art experts as being on this panel. I think it also provides for one practicing artist.

Now, as you pointed out in your testimony—and I think all of us can agree on this—the selection of art and art judgments, tastes in general, are highly subjective and highly controversial. I don't mean what I'm about to say in any denigrating way, but the people who seem to have the strongest opinions, without flexibility, are practicing artists, that they're into a particular mode or a school or style and tend to regard those who are not practitioners of that same mode, school or style in not the most tolerant terms.

Do you feel that the placing of a practicing artist would tend to bias the panel in favor of the particular mode, school or style that that artist is pursuing, rather than having a broader base without that type of potential bias?

Mrs. SPELLMAN. I think good artists appreciate good art, no matter what the style. They may prefer given styles, but I think they have an understanding and appreciation of the others, too. Just as musicians, like friends of mine who play in the symphony, like "rock," like the kind of music that you would expect they would be looking down at. But they enjoy it. They like music and appreciate music, whatever kind it is. So it goes with art.

I would say almost everybody has a feeling about art. In my own home I have two very nice paintings in the living room over the sofa. I was especially partial to those since they were my daughter's paintings. I took those down and put up a modern painting, and some of my friends come into the house and say "you've got to be kidding, ugh." And others come in and say "I love that and what it does to the room." They either love it or they hate it. I love it. It's my daughter's painting. It's another style, but it's her's.

I find that almost everyone who has been there before in that room comments on it. All of us are art experts in one sense or another. I dare say, having an artist on the panel makes good sense.

Mr. LEVITAS. Thank you.

Mr. Abdnor.

Mr. ABDNOR. I certainly want to thank Mrs. Spellman for being here today——

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Mrs. SPELLMAN. And I want to thank you for introducing your legislation and bringing it to the fore. I think it's needed.

Mr. ABDNOR. Thank you.

Let me say this: I'm sure we both have the same overall goal.

Mrs. SPELLMAN. Indeed.

Mr. ABDNOR. There may be some slight differences in how we might arrive at that particular goal. But I think the interesting thing about it is that here is someone that represents the east coast, and metropolitan areas, and another individual who comes out from rural America who share much the same concern. That does as much for my confidence in saying it's not only we people out in rural South Dakota that feel strongly about having some local input, and particularly art is art and is in different forms in different areas and different people.

As we say here, what people like here may not be acceptable back in rural America. I know—certainly I can't afford high-priced art, but I have a place in Florida and I had an artist paint me four different pictures of the ocean around there. I wouldn't have those particular paintings in my home in South Dakota, and I think that's the situation. That's what you have when there is local input into something.

After all, they are the ones that are looking at it, and they are the ones who live with it. I think it's rather difficult to try to tell people, at least in my country, that you're going to learn to like this; just stick around a year and keep looking at it and you'll appreciate it more. Somehow we have some hard-thinking people that think they know what they like. I found that out in being in politics, where friends tell me their views and I find myself changing to think like they think, because that's what it's all about.

I think it's good that you're here today, with your proposal and mine, showing that while we may be miles apart in the areas that we represent, we both are trying to obtain the same basic thinking in this art in architecture.

Do you feel—let me ask you one thing about your bill. You suggest one-half to 1 percent. Do you think the additional one-half of 1 percent would add much to what we're trying to establish here? We presently allow one-half of 1 percent.

Mrs. SPELLMAN. That's right. Presently it is one-half of 1 percent. This might be absolutely sufficient, and we just heard an example of where it wouldn't even be needed. But so often with new buildings, large buildings, they are so sterile that I wanted to allow for that leeway if it was needed.

Mr. ABDNOR. Thank you. That's an interesting comment and I'm happy to have your answer.

I would just like to say thank you for coming, and I am sure today, with the various witnesses, we can come to some common ground and understanding of what would make an acceptable bill. I would like to think the proposal I made, and yours, too, would do what is so badly needed, with a considerable amount of local input into this area, because they are the people—I read an article out of the Associated Press the other day, of an incident up in North Dakota, which brings home the very thing I'm talking about and what local input means.

They had a similar "Hoedown," the same name, in North Dakota, which was stopped and changed in time and everyone is now happy up there. I have that article to offer for the record.

[Article referred to follows:]

[From the Washington Post, Sunday, Oct. 28, 1979]

"DON'T LAUGH—IT'S YOUR MONEY"

GSA SPENDS MILLIONS ON PUBLIC ART, BUT MANY DON'T WANT IT

(By Jo Ann Lewis)

In 1308, the great Italian painter Duccio di Buoninsegna was commissioned to paint an altar-piece for the cathedral of Siena. Three years later it was finished, and on a sunny June morning, as the townspeople cheered, the great "Maesta" was carried to the cathedral in a joyous procession.

Last July, six centuries later, California sculptor Wuy Dill had just completed a rather different kind of sculpture, commissioned by the government, to go in front of the new federal building in Huron, S.D. And the townspeople were soon out marching again—straight to their congressman.

They didn't like the $25,000 abstract "Hoe-Down," which a Huron paper described as "four large steel plates propped up by telephone poles." Of the 14,000 residents of Hubert Humphrey's birthplace, 5,000 signed and presented a petition to Rep. James Abdnor (R-S.D.) saying they wanted such "government waste" stopped and the sculpture removed.

That is only one of the problems facing GSA's Art-in-Architecture program, which since 1963 has commissioned 173 sculptures, murals, fiberworks, crafts, and art in other media at a cost of $6 million. GSA allocates one-half of 1 percent of all new federal building costs for this purpose, making it the nation's No. 1 art patron in direct commissions.

About 20 percent of these projects have drawn some public complaints, which generally die down within a year. The really big controversies, however—the $100,000 Claes Oldenburg "Batcolumn" in Chicago, the George Sugarman "People Sculpture" in Baltimore and now the Dill flap in Huron—have brought the selection procedures and the whole program into question. Abdnor has introduced legislation to give citizens more voice in choosing the art and has called hearings for Nov. 14.

It is a critical time for a program whose participants read like a "Who's Who" of American art: Calder, Oldenburg, di Suvero, Nevelson, Noguchi, Rickey, Snelson and painter Frank Stella and Alex Katz, among many others. Styles range from the realism of Leonard Baskin and George Segal to the minimal abstraction of Al Held and Robert Mangold.

The program has allowed major American artists to work on a scale they had never attempted, and has inspired cities and states all over the country to set up their own percent-for-art programs. Indeed, GSA—along with NEA, which runs the related "Art in Public Places" matching grants program—has led the biggest public art boom since the WPA.

There have been many successes. But when people get upset, nothing disturbs them like public art. In 1975, a Seattle critic described an installation by Isamu Noguchi as: "Rocks, Five rocks, Five pink rocks. Five pink rocks at $20,000 a rock. Don't laugh. It's your money as well as mine." A similar lament appeared last month in The State of Columbia, S.C.: Its editorial called for the relocation of Barbara Naijna's $65,000, 7,000-pound sculpture, "Right Turn on White"—installed at the Strom Thurmond Federal Building—and even approved "the sentiment" of a group of protesters who tried to disfigure the sculpture with spray paint.

Through the years, the Art-in-Architecture program—at $1.2 million for the past three years, one of the smallest in a GSA budget of $5 billion—has caused some of the biggest headaches.

Opposition began when the program began in 1963, when artists were chosen by the architects. The first big protest came over Robert Motherwell's large, abstract expressionist mural for the new Boston City Hall, "The Kennedy Assassination." When a reporter asked a passer-by how she felt about it, she replied, "It's an outrage." "It is still not clear," says Don Thalacker, head of

the Art-in-Architecture program, "whether she was talking about the event or the mural. But the next morning the headline read 'Boston Outraged.'" It proved a self-fulfilling prophecy.

In 1966, still stinging from the controversy and with unprecedented cost increases in construction, GSA brought the program to a halt. It was revived in 1972, when with the encouragement of NEA head Nancy Hanks, GSA head Arthur Sampson restored the funding levels and drew up new guidelines, under which expert panels appointed by NEA examined the sites and nominated the artists. The GSA administrator retained the right of final choice, as he does today.

The first sculpture in the new era went up in October 1974, with a procession through the streets of Chicago. The artist was Alexander Calder, and his huge $250,000 "Flamingo" turned out to be one of his greatest works—and one of the U.S. government's best buys. It is worth well over $1 million today. There was some protest, but not much.

But in the Ford administration, Jack K. Eckerd arrived at GSA to find himself under pressure from an irate group of Baltimore judges who virulently protested the installation of George Sugarman's playful "People Sculpture" in front of the Garmats Building in Baltimore. They said they feared that muggers could hide within the $98,000 sculpture, and exerted pressure through Congress. Eckerd reacted by suspending all further commissions for 18 months until more new guidelines could be written. The people of Baltimore, however, retained the work by staging a huge effort in its behalf.

It was also under Eckerd that another big public protest took place, again on behalf of a sculpture. Grand Rapids was due to get a work by Mark di Suvero which GSA threatened not to accept because it was too unlike the maquette he had originally submitted. Hundreds of letters poured in, along with a petition from thousands of schoolchildren insisting that the people of Grand Rapids wanted their di Suvero. They got it.

Jay Solomon, who succeeded Eckerd, had a strong commitment to the program. With the backing of Joan Mondale, he commissioned $2.5 million in art—more than one-third of the total expenditures to date—adding repair and renovation projects to the program. It was a brief golden age, with 70 artists commissioned to work on 40 different buildings. Earth art, light sculpture, photography, crafts and the building arts were added as possibilities for future commissions. Also, very quietly, Solomon saw to it that an increased effort was made by NEA to find expert selection panelists who lived closer to proposed sites.

Each new GSA administrator has been watched by a nervous art community to see how well he can take the heat. They are now nervously watching Rowland G. Freeman III, ex-admiral and Navy supply expert, who took the GSA helm last July.

Freeman was immediately confronted with Huron's "Hoe-Down"—located problematically in the district of Rep. Abdnor, ranking minority member of the House public works subcommittee, one of four congressional bodies that oversees GSA. Abdnor confronted Freeman with the Huron petition, and said he wanted "Hoe-Down" removed.

Meanwhile, Abdnor's committee nixed the two Art-in-Architecture propcsals presented to them since the Huron trouble began—repair and renovation projects for Savannah and Omaha. "I plan to withhold any additional funds for this project until changes take place in the selection procedures," he said last week. To that end, he has introduced a bill. HR 5545, "to establish a procedure for acquisition and installation of works of art in public buildings."

The protest has not ruffled GSA's Freeman, an affable, chunky man of 56, who said last week, "I don't view the Huron situation as a big flap. Anything with art involved is going to stir a lot of emotionalism. Even Johann Strauss had problems with his waltzes."

"But local involvement is something I'm concerned about," said Freeman last week in his office, which contains no art, "so I've asked the Art-in-Architecture and NEA people to form a task force and report on ways to increase it."

"This is public money, and I can't ignore 5,000 voices," he said of the Huron problem. "But I also think removing a work of art like that is inappropriate. It sets an undesirable precedent. You should leave such a piece, even if it's controversial, at least long enough for people to get used to it. Look at Oldenburg's Bateolumn' in Chicago. At first they hated it. Now they love it."

Freeman stood his ground recently in Atlanta when Washington artist Sam Gilliam went to install a large $50,000 drape painting in the reception area of

the new courthouse. The judges protested, and Gilliam was offered what he considers a better space in the main lobby. "But if he hadn't been happy, we would have gone ahead with the original plan," says Freeman. "That's where I draw the line."

The GSA-NEA task force is seeking ways to improve community participation and selection procedures. It is an opportune time, for as long as Joan Mondale is around, Art-in-Architecture is as safe as it's ever going to be.

And the problems, at last, have become clear. GSA can no longer simply swoop into a town and plant a piece of sculpture. People need to be prepared, particularly for art as uncommunicative as much of what is currently being produced.

Washington sculptor Ed McGowin—whose recently completed narrative sculpture in Jackson, Miss,. met with public acclaim—said it best: "You can take the most intelligent person in the world and show him a hole in the ground or a pile of rocks, and if he doesn't know the art context it came from it's inevitably going to look like a hole in the ground or a pile of rocks." Nearby museums and arts councils can help in educating the public and introducing the artist and the art to the new neighbors.

One fault in GSA's procedures is the fact that artists are usually not commissioned until the buildings are occupied—sometimes three years or more. It is the nature of modern architecture, since Mies and the Barcelona Pavillion, to eschew integrated art as "decoration." But surely nothing would be lost—and much might be gained—by bringing artists and architects together again at the design stage. That is what produced happy marriages like the Calder and the atrium of National Gallery East, and might even afford the public something more interesting than the same old sculpture-on-the-plaza routine.

According to program head Thalacker, attempts have been made to give commissions earlier, but "the program stops and starts, starts, and stops, and just when we begin to get caught up, we find ourselves behind again. Meanwhile, the buildings go up and we're too late."

Abdnor has come up with an idea that could work: The NEA panel of experts (including more local experts) could submit its list of three to five artists to GSA as before. But at that point, six representatives from the area would be called in to help the GSA administrator make the final decision. Abdnor suggests that the governor of the state appoint the six. That needs thinking out. But it would give the GSA some help and give the locals a voice. If no agreement were possible, the project could simply be scratched and the money put into funding art in more hospitable towns.

And as for Huron, S.D., if they don't want "Hoe-Down," why not sell it to nearby Brookings, which has asked for it? Or put it up for sale on the open market? Presumably a year will bring acceptance. But if not, no town should have to live with the art it loathes.

Mrs. SPELLMAN. Right. I'm sure you will agree with me that out there in North Dakota you probably would find in some communities this would become "the" project, that it would bring the whole community together. They may be fussing and fighting for a while, but it will keep them excited and interested, and it will focus attention on art. We need to be doing that.

I used to teach school, and with art, I could get youngsters to get excited about learning their history, to get excited about learning their geography, just through the use of art as the medium.

Mr. ABDNOR. That's absolutely right, and I'm very happy to hear you say that.

Mrs. SPELLMAN. Thank you. And again, let me thank you for your legislation.

Mr. ALBOSTA [presiding]. Mr. Livingston.

Mr. LIVINGSTON. Mrs. Spellman, I just have one question, basically just to elaborate a little bit on what you told Mr. Abdnor.

Mr. Abdnor's bill calls for up to one-half of 1 percent and your bill calls for at least one-half of 1 percent and up to 1 percent.

Is there any room for compromise on that?

Mrs. SPELLMAN. I dare say there is. I frankly would like to see us require at least one-half of 1 percent, because otherwise we're going to find that we will have administrators who will consider that this is a kind of "back burner" legislation and a "back burner" kind of requirement and we'll do it with the back of the hand. I think it's important to let each administrator know that we feel it's important. So often we determine importance through money. So I would say at least one-half of 1 percent. Frankly, I would like to see the leeway there.

Mr. LIVINGSTON. I share your concern.

If I could just elaborate 1 second, in this day and age of inflation, we are finding it not unusual to be constructing on behalf of the Government $100 million buildings, and when we talk about $⅝ million to $1 million in art alone, then perhaps that argument that you yourself anticipated earlier, about inflation and the siphoning off productivity of the Government, does come into play.

Mrs. SPELLMAN. You know, art can be incorporated in so many ways. It can be incorporated into the very building it self. With an imaginative use, it really doesn't have to cost any more.

If you are interested in art today, you know that you don't get very much for your money there anymore, either.

Mr. ABDNOR. Would the gentleman yield?

Mr. LIVINGSTON. I would be happy to.

Mr. ABNOR. I would just like to ask one thing.

While we would require up to one-half of 1 percent, or whatever the figure is, you wouldn't insist that that is exactly what it has got to cost?

Mrs. SPELLMAN. Oh, no.

Mr. ABDNOR. I mean, if we can find a piece of art that someone presents, and it's acceptable, we would accept it even though it wouldn't have to come in at the full figure.

Mrs. SPELLMAN. Sure.

Mr. ABDNOR. I just wanted to make sure of that.

Mr. LIVINGSTON. Thank you very much.

Mr. ALBOSTA. Mr. Clinger?

Mr. CLINGER. Thank you, Mr. Chairman.

I have just a couple of questions, Mrs. Spellman.

Mr. Abdnor's bill provides that the representatives on the ad hoc commission from the local area would be appointed by the Governor; in your bill, it provides for the Chairman of the National Endowment for the arts.

Would you have any——

Mrs. SPELLMAN. I have no problems with having the Governor making the appointment.

Mr. CLINGER. As you said, whoever does it, they're probably going to be consulting with the local people anyway to make the determination.

Mrs. SPELLMAN. That's correct.

Mr. CLINGER. Then as far as the one-half percent, does your bill contemplate that we would have art in architecture in every building, or would you—Chairman Levitas was talking about some areas where it obviously is not appropriate, where the building itself contains beautiful art and it would not be necessary.

Mrs. SPELLMAN. The kind of situation that the chairman discussed, we certainly ought to provide leeway there.

Mr. CLINGER. A little flexibility here, where there are some instances where we would not be——

Mrs. SPELLMAN. We would be "bringing coals to Newcastle."

Mr. CLINGER. That's all. Thank you very much.

Mrs. SPELLMAN. I know that many years ago, back in the 1930's, as a matter of fact, when the FTC building was being built, there were the statues being worked on outside there. We would all gather at lunch-time—it was the first time we had ever seen carvings, stone carvings like that. It became such an exciting thing to all of us who were working there. I almost never go by those buildings without remembering very, very pleasant memories of our sitting there eating our lunch and encouraging the artist. Of course, he probably would have encourage us to stay in the building if he could.

Mr. ALBOSTA. Thank you very much, Mrs. Spellman.

Mrs. SPELLMAN. I thank you, Mr. Chairman.

Mr. ALBOSTA. Our next witnesses will be Mr. Don Moore, Mr. Albert Marschall, and Mr. Livingston Biddle, Jr. It would be appropriate if all three of you came up at one time.

If each of you would read your statements to the subcommittee, then we will proceed with the questions.

TESTIMONY OF DONALD MOORE, DEPUTY CHAIRMAN, FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES; ALBERT R. MARSCHALL, COMMISSIONER, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION; ACCOMPANIED BY DAVID DIBNER, ASSISTANT COMMISSIONER FOR CONSTRUCTION MANAGEMENT; AND LIVINGSTON L. BIDDLE, JR., CHAIRMAN, NATIONAL ENDOWMENT FOR THE ARTS; ACCOMPANIED BY RENATO DANESE, ASSISTANT DIRECTOR, VISUAL ARTS PROGRAM, NATIONAL ENDOWMENT FOR THE ARTS

Mr. MOORE. Mr. Albosta, Mr. Abdnor, and members of the committee, I am Donald Moore, Deputy Chairman of the Federal Council on the Arts and the Humanities, and I am honored to appear before you today.

First, it is my pleasure to represent Mrs. Mondale, the honorary chairperson of the Federal Council, who due to an unavoidable conflict in her schedule which put her out of town today, was unable to be with you. Had she been here, I know that her words would have excelled mine in conveying the importance she attaches to this program.

But I must also confess that I share her point of view. I was involved, while working for a member of this House, with the formulation of the Spellman bill. I was fortunate then, as I am today, to learn through many contacts with the General Services Administration and the National Endowment for the Arts that the art-in-architecture program is a success and that it stands tall within a rich, centuries-old history of art in public places.

Art has been intertwined with the histories of great civilizations such as our own, whether as a result of the promptings of religious convic-

tion, private recognition of the significance of art in the life of the public, or the encouragement of government to a similar end.

Historic examples of art displayed for public benefit remain today, including such monuments as the Stone Heads of Easter Island, the Great Sphinx of Egypt, the unparalleled statuary of Greece and Rome, the stained glass, tapestries and murals of Europe's timeless cathedrals, and as well, in the fragile totems of native Americans.

The U.S. Government has a longstanding tradition of support for public art dating back to Jefferson, who, among his many accomplishments as an artist and architect, commissioned sculptors for the Virginia Legislature and made his own indelible stamp on the architecture of the U.S. Capitol which in its own time bore the brunt of critical salvos.

In the 1850's the Congress commissioned Constantino Brumidi to paint frescoes for the rotunda of the Capitol, and in the 1950's commissioned Allyn Cox to complete Brumidi's unfinished work.

During the Depression artists were put to work by the Federal Government on numberless commissions of painting and sculpture to grace our public buildings much of which work is still with us today across the country.

Contemporary art has a similarly lasting appeal. It does provoke thought and discovery, and it is more than decoration of a public building. It is an expression of our culture and of our own artistically rich era in history.

Here I would like to quote briefly from a talk given recently by Mrs. Mondale on the subject of art in public places in our contemporary context.

She said:

> Art sharpens our perceptions. To walk into a public building and see works of art may cause us to stop in front of an abstract painting and wonder, "what is it; what was the artist trying to do?" At that moment, the blinders that habit puts on us come off, and we really begin to see. Later during the day we may find ourselves looking at familiar things in an uncommon way.

Mrs. Mondale has formally dedicated at least a half-dozen of these art installations and has visited many others. Occasionally these works of art provoke surprise and controversy.

Most of you know the story of the first piece of public sculpture funded by the Arts Endowment, Alexander Calder's "La Grande Vitesse" which has become the symbol of Grand Rapids, Mich. But you may not know that another piece of sculpture commissioned for Grand Rapids by Mark Di Suvero was initially to be withdrawn by the General Services Administration. But the citizens of Grand Rapids were not pleased with this decision and demanded that the statue be put into place. The citizenry in that town grew to appreciate and feel great pride in their public sculptures.

This was the case again with Beverly Pepper's "Excalibur" in San Diego, and John Rietta's "Force One" in Richmond, Va. When Ernie Banks and Mrs. Mondale dedicated Claes Oldenburg's "Batcolumn" in Chicago, the ceremony was picketed momentarily. But the Batcolumn has since become widely appreciated as a visual landmark and is credited with working as a magnet to bring people back into that area to live. Los Angeles offered to take the Batcolumn off the hands of the city of Chicago, and they were answered editorially in a Chicago paper with a resounding "no thanks."

Over and over it has been shown that familiarity with art, the kind that comes from repeated exposure, examination, breeds not contempt, but greater understanding, appreciation, and the desire for more.

A government's attitude toward its people is reflected in the buildings it builds and in the art it chooses to grace those buildings. Because the General Services Administration has made a commitment to quality, the work chosen through the art-in-architecture program has a lasting and growing appeal. The relationship between the GSA, the Arts Endowment and the panel process for selecting the best art for each location is testimony to that commitment.

The art-in-architecture program has shown leadership and also good business sense. For this program has not only enhanced Federal buildings with art for everyone to enjoy, but has also given support and acknowledgment to our talented artists in the best possible way—by allowing them to create works of art.

GSA is the people's patron, I think we can say. Since 1972 over 130 commissions have been awarded, commissions which have enriched many communities, large and small, and the completed works of art have appreciated in value over 300 percent. I think it is fair to say that GSA does not waste our money, but it buys the best.

And GSA has started a movement. Other Federal agencies, such as the Veterans Administration and the Department of Transportation, are following the GSA example. On the State and local level the movement is growing as well. Art-in-architecture programs now exist in Iowa, Texas, Washington, Alaska, California, Colorado, Connecticut, Guam, Hawaii, Illinois, Maine, Nebraska, New Hampshire, New Jersey, and Oregon. Thirty-eight cities, like Philadelphia, Kansas City, and Anchorage have their own percent for art programs.

And in the business community, corporations such as Honeywell in Minnesota, the Pittsburgh National Bank, the Phillip Morris Corp., the North Carolina National Bank, and the Xerox Corp. which sponsored Sir Kenneth Clark's 13-week television series "Civilization," and many other companies, are actively purchasing contemporary art and supporting its appreciation.

And where they may not commission for themselves, they often supply support as was the case in the Grand Rapids project with the Calder sculpture.

The interest and commitment to public art by the General Services Administration, by the Arts Endowment, by governments at all levels and in all regions, and by the private sector, plus the results of recent opinion surveys, add up to a sense that the program we are here today examining is one of real and lasting value to the people of our country.

But no public policy or public program is or should be immune or insulated from periodic review, so we welcome the opportunity to examine this program and the procedures by which it is carried out.

Although that review is not yet complete, and should not be carried out in haste, it is being undertaken in good faith and with the clear understanding that Government has a responsibility to its people, which is both to lead and to listen.

Thank you.

Mr. ALBOSTA. Thank you very much.

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We will go on then to the next witness. We will receive all the testimony from all of you before we ask any further questions.

Mr. MARSCHALL. Mr. Chairman and members of the subcommittee: I am A. R. Marschall, Commissioner of the Public Buildings Service at the General Services Administration.

It is a pleasure to be here today to testify on behalf of the General Services Administration on H.R. 5545, which would establish procedures for the acquisition and installation of works of art in public buildings. We appreciate the oversight role of your subcommittee in reviewing the General Services Administrations' art-in-architecture program, and look forward to working with you in the months ahead.

As you know, we have heard the loud and clear voices from the citizens of Huron. S.Dak., and other cities, and we are sensitive to their desire for greater local participation in the process of commissioning and installing works of art. To that end, GSA and the National Endowment for the Arts have formed an interagency task force to develop recommendations which would result in greater support and involvement by citizens from the area where artworks are to be installed. The specific recommendations will be presented to the administrator of General Services and the Chairman of the National Endowment by January 30, and we look forward to sharing them with you.

Our primary objectives should remain the commissioning of artworks of the highest quality as an integral part of the architectural design of Federal buildings, and the generation of broad support within the community where such artworks are installed.

I would at this point like to comment on specific sections of the bill before us today, and to share with you some of the preliminary thoughts expressed by the interagency task force.

The Administrator has expressed his commitment to the ongoing art-in-architecture program. He will continue to determine whether or not a building project will receive an artwork.

We note that the bill would mandate the solicitation of proposals for works of art. While this approach would have the advantage of specifying the particular work to be commissioned prior to the selection of an artist, there are difficulties with institutionalizing such a policy. There are an estimated 200,000 practicing professional visual artists in the United States at this time. GSA awards approximately 30 commissions per year. The administrative burden of receiving and handling the proposals would be considerable.

It is believed that while in the initial stages many artists might submit proposals, as time passes there would be a decreasing number of participants who would be able and willing to develop effective proposals.

It is also believed that it is unlikely that many recognized artists would enter such competitions. Further, we feel that requiring artists to compete based upon cost is inconsistent with our policy to choose design professionals based upon their competence.

The present selection method of considering artists on the basis of their past work offers all artists an ongoing opportunity to have their work considered for all projects, and gives GSA an opportunity to review a much broader base of artists' work thau we feel the proposed system of individual proposals would provide.

With regard to that section of the bill which addresses the procedures for establishing the artist nominating panel, the report of the interagency task force will, I understand, suggest numerous opportunities for greater community liaison and local involvement in the programs' procedures. In addition, it will outline other actions to be undertaken to improve the climate of receptivity for artworks installed under GSA's art-in-architecture program.

As this is a Federal program, we disagree that the Governors should be in a position of appointing members of our advisory panels. We feel, moreover, that it would be inadvisable to establish a fixed percentage for the panel's membership.

In order to commission works of the highest quality, it is important to receive recommendations made by qualified and knowledgeable individuals. We feel that the proposed division of panel membership does not provide for the flexibility necessary to identify qualified panelists. However, we agree that there should be local involvement in these panels, and the task force is closely examining the commissioning process from beginning to end to develop ways to increase and improve local involvement.

Statistics show that since 1977, 71 percent of the NEA appointed panelists have been drawn from within the State where the artwork will be located. If you add the project architect, who is almost always from the community of the project, the statistics on local panelist increase greatly.

We believe that the partnership established between the National Endowment for the Arts and the General Services Administration can and should work cooperatively in carrying out the programs objectives.

In summary, the task force is working to solve the problems inherent in our present procedures for commissioning works of art. We propose to modify the present process, which on the whole has been of significant benefit to the citizens of the United States. We hope that you will give us the opportunity to establish, apply, and evaluate these modifications.

Thank you. This concludes my prepared statement, and I will be happy, after Mr. Biddle, to asnwer any questions you may have.

Mr. ALBOSTA. Thank you. The next witness will read his testimony.

Mr. BIDDLE. Mr. Chairman, I would be delighted to read my testimony, but in the interest of time and so forth, I would also be glad to summarize it or to highlight it and submit it for the record, whatever pleases you.

Mr. ALBOSTA. Your summary of the testimony will be fine as far as I'm concerned, so go ahead and do that and we'll enter your entire testimony into the record.

Mr. BIDDLE. Thank you, Mr. Chairman.

[The following was received for the record:]

STATEMENT OF RENATO DANESE, ASSISTANT DIRECTOR, VISUAL ARTS PROGRAM, NATIONAL ENDOWMENT FOR THE ARTS

Mr. Chairman, it is a great pleasure to be with you this morning as the Committee analyzes H.R. 5545 and attempts to better understand the Art-in-Architecture Program of the General Services Administration. It is a program with which the Arts Endowment is very proud to be associated and one, we think, that has

been most successful in bringing the values of art to our people, in humanizing and giving new dimensions to public buildings, and in providing added opportunities to our Nation's artists.

We are very gratified with the introduction of H.R. 5545 because it indicates that the Committee, as the Arts Endowment, believes the Art-in-Architecture Program is a valuable one, and should be continued.

From our point of view, I might like to take a moment to place the Art-in-Architecture Program in a somewhat wider perspective. It is the long-standing belief of the National Council on the Arts—the Presidentially-appointed body of advisors to the Arts Endowment—that the arts have a central importance to life, far beyond the concert halls or the places where they are performed. I fully share their belief.

It seems to us that the quality of life can be enhanced by the arts, and that this enhancement doesn't and shouldn't depend necessarily on a visit to a museum or attendance at a ballet. A primary mission of the Arts Endowment is to encourage professional quality in the arts, and to make that quality as widely available as possible. But we are convinced that in a host of other pursuits the arts can have great effect.

The arts can be of basic significance in teaching; they can be closely related to the processes of physical and emotional rehabilitation; they can be a means of establishing and sustaining pride; they can provide a framework for disciplined and sustained effort and achievement; they can serve to lift up our spirits as we go about the ordinary pursuits of life.

And here is where I think the GSA's program is so valuable. By providing art in public buildings, it seems to me that the General Services Administration is making an effort towards a goal which, while sometimes hard to measure, is making the government a more hospitable, more imaginative agent of the public's business. And I would think we would all agree that lessening a perception of government as remote and impersonal is to be greatly encouraged, a perception given off all too often in the very buildings where the government conducts its business with its citizens. How much better, then, to suggest through the use of art works a sense of visual excitement, energy and challenge. I am not suggesting that a piece of sculpture in front of a Federal building is going to make any routine task, like buying stamps or collecting tax forms, exciting. But I am saying it is worthwhile to project a sense of liveliness, of contrast, something to engage the imagination and the eye and mind. It also seems to me that concerning ourselves with the environment of public buildings connotes a sense of caring and regard for those who work and do business there.

The Arts Endowment has been working with the General Services Administration in this program since 1972. The program has been a ground breaker. It has paved the way for a host of agreements and understandings, developed and developing, between the Endowment and other agencies of government that are seeking to benefit by the arts in achieving their missions.

We have been working with the Bureau of Prisons; the U.S. Office of Education; the Department of Transportation; and just recently we reached an agreement with the Veterans Administration on a wide-ranging cooperative effort. These efforts have resulted largely from the work of the Federal Council on the Arts and the Humanities, whose honorary chairperson is Mrs. Mondale and whose representative, Donald Moore, is also testifying before you today. The Federal Council has provided exceptional leadership in encouraging and in developing coordination and cooperation.

All of these efforts have one thing in common: recognition by other agencies in government that the arts can be of value to them in carrying out their primary responsibilities and that the resources of the Arts Endowment can be of service in their undertakings. The pioneering effort of our working relationship with the GSA has, indeed, yielded a great number of new and rich possibilities. For this, we at the Endowment are very grateful, and we are very grateful to the GSA for its continuing commitment to this effort, a commitment I share with Admiral Freeman.

Let me say that we are not unmindful that, from time to time, some controversy has surrounded one or another piece of public art. Art, by its nature, frequently stimulates controversy because it is the artist whose vision takes us beyond the ordinary way of regarding our surroundings, our environment.

Art and controversy are frequent companions, particularly with regard to contemporary art, whether it be in music, the theater, or the visual arts. But that is, we believe, as it should be. We look to the artist not to restate what is known, but to make us know and to see in new and exciting ways.

As you may know, the Endowment has its own art in public places program, providing funds to cities and communities across the country to commission or purchase works of art for their own public buildings, and, as with GSA's, some of these commissionings come in for some lively debate. The first of these commissionings provides an interesting and useful example in discussing public art.

In 1967, the City of Grand Rapids, Michigan, applied for and received an Endowment grant for the commissioning of a large stabile by Alexander Calder. When the work was installed, there was a considerable amount of discussion of the piece in the media, much of it critical. It is a very large piece, abstract. But the end result has been extremely fortuitous. The piece soon gained very wide community acceptance, came to be seen as a symbol of the progressive nature of the City, and was soon adopted as the formal symbol of the City of Grand Rapids. In turn, Grand Rapids has purchased several more major works of art for its public places.

I use this as an example for several reasons. First, what at first appears controversial may soon turn out to gain wide public acceptance. It is my opinion that the Endowment should have always, as its first priority, the investment of taxpayers' dollars in the best artistic products available. Any particular artistic work may be somewhat ahead of a general acceptance, but it would be a disservice to the Endowment's mission—and I think to the government—should a fear of controversy itself lead us to do always what is considered safe.

Secondly, the Endowment's investment in the Calder stabile was $45,000, while total cost of the project raised from other sources was $126,700. The amount barely covered the cost of materials. In short, artists of great renown, like Calder, sometimes accept public art commissions because they give them an opportunity to work on a scale not often afforded them. Thirdly, the investment, from a strictly monetary point of view, has been very good. The work itself has rapidly increased in value nationally and internationally.

This last point, in itself, is not mentioned to suggest we are to be considered as prudent investment counselors. But it relates to a very important matter: the seriousness with which we at the Endowment try to select the best artist or artwork possible. The increase in the value of the art works that both we and the GSA have commissioned is some indication of this.

Our involvement with the GSA is in the selection of a panel of art experts which recommends to the GSA Administrator a list of artists considered competent to undertake the commissioning in question. The panel makes its decision after reviewing the proposed site of the art work, the previous work of artists judged capable of working within in specifics of the site, and the level of the commission. This is a very substantial burden for this panel to be carrying, and so a moment on how panels are selected is in order. The GSA informs the Endowment which buildings or building sites have been selected to receive art works. Pictures of the site—an area of ground, an inside wall—are provided to the Endowment's Visual Arts Program, which begins a time-consuming search to find panelists who are expert in the art works called for by GSA's design plans.

We work in concentric circles: that is we start our search for panelists in the city where the building is to be located. Should we not find panelists of sufficient expertise, we widen the circle of our search. We make a good faith effort to draw all of our panelists from the city in which the art work will be situated. This is not always possible, but at least one of the panelists is from the local area. We would point out, though, that since 1977, 71 percent of the NEA-appointed panelists have been drawn from the state where the art work will be located.

The peer panel review is crucial throughout the Endowment. In none of our programs do we rely on staff to make decisions on grant applications. We believe this process is in accord with the basic principles of our enabling legislation—and the partnership between government and the private community it so deeply involves. We rely on the judgment of recognized experts in all of the Endowment's discipline programs, in dance, theater, music, opera, etc. It is from these experts, who daily work in their disciplines, that we feel the fairest and most reasoned recommendations can be obtained. They are the ones who reflect the current reality and vitality of the arts world. We would not want an unchanging government bureaucracy to domineer over cultural matters. Nor do we want an unchanging cadre of experts to make decisions at the Endowment year after year. As a

consequence, we have undertaken increasing efforts to ensure (1) a more orderly transition of panelists so that the points of view are constantly being refreshed and (2) a wider representation of panelists in terms of geography, ethnic background, and aesthetic diversity.

I have spent some moments discussing the panel system so that the Committee would understand how much reliance—and we feel justifiably—we place on this system. The integrity of the Endowment's decisions on the more than 20,000 applications we receive annually is fundamentally involved with our panelists, and with the private citizens who guide our work as members of the National Council on the Arts.

The only slight variation in our selection of panelists for the GSA program is the care we take to draw panelists from the local community. Such a work may well be the first one placed in a particular community. We would agree with those who contend that it is important to be sensitive to local concerns. And so, we would agree with an underlying theme in H.R. 5545 that the program should encourage more active local participation and involvement.

It is for this reason that we have joined with the General Services Administration in a task force to examine every aspect of this program, including the thorny issue of panel selection.

I can report that the task force has met several times, and has made progress in examining all of the issues connected with this program, and in looking at ways to widen community involvement and participation. I wouldn't want to anticipate the findings of that report, and so feel reluctant to discuss the specifics of the present bill.

I would mention our concern that the present version of H.R. 5545, introduced on October 11, omits mention of any involvement on the part of the Arts Endowment in the procedures envisioned for the program as it would be reshaped under the bill. I understand Committee staff is studying this very point, I would only wish to stress our belief that the expertise of the Endowment can be well utilized in any public art program at GSA. Should the Committee agree, I think it would be well for such involvement to be clearly outlined in a future draft bill.

Mr. Chairman, as I have said, we at the Arts Endowment are extremely pleased to be a part of GSA's Art-in-Architecture Program. The program enables the Endowment to foster some of its most important goals: first, making quality in the arts more accessible to a greater number of our citizens; secondly, in providing an opportunity for American artists to work, to develop their work while contributing in their very own special way to the way in which our citizens regard their public buildings.

I want to thank you, Mr. Chairman, for holding this hearing, and for allowing those of us involved to explore this matter with you. We think, as you do, that a fuller explanation of this program among your colleagues—and among the public generally—is a way of gathering new understanding for a program that we at the Arts Endowment consider so very worthwhile. We look forward to sharing with you the joint GSA-Arts Endowment task force report, and to working with the Committee in any way that might be useful.

Mr. BIDDLE. I am Livingston Biddle, Chairman of the National Endowment for the Arts. I would like to introduce to my right Mr. Renato Danese, who is the Assistant Director of our visual arts program and in charge of this particular area that we're concerned with today.

We are both very pleased to be here to testify on legislation which recognizes, we feel, the importance of the art-in-architecture program and the need for its continuance in law. I would also like to say how much I appreciate the kind words that Mrs. Spellman spoke about the testimony that I gave to the Senate.

We are very much aware of the concern for greater community involvement and participation in this important area. We very much agree that there should be more community involvement and participation because basically this is fundamental to the very legislation which established the National Endowment for the Arts. I had the privilege of preparing that legislation when I worked in the Senate

some 15 years ago for Senator Pell, and in the very beginning of the legislation creating the National Endowment for the Arts. The declaration of purpose recognizes that it is appropriate for the Federal Government to support the arts, but that the primary thrust and primary initiatives should come from non-Federal sources.

So over the years in constructing this program and in its development there has been a very strong feeling of the need for partnership with State governments, local communities, all across the country.

I would like to reiterate and emphasize what other witnesses here have said about the controversial nature of art. Mr. Moore has mentioned the Batcolumn by Claes Oldenburg, and the Calder in Grand Rapids, Mich., and to that I could add the famous Picasso sculpture in Chicago, which was not a GSA-involved project but which was enormously controversial when it was first installed and which has become rather a symbol of vitality for that great city.

We could also mention Michelangelo, who was considered very avant-garde in his day, or Beethoven, whose work was sneered at in the beginning. Art is constantly evolving and what is good today may be what is considered not good. It may change. I think that's the nature of art, that constant change, the questing spirit of the artist.

I so agree with what Mrs. Spellman, among others, has said, that art is a great humanizing force in our lives. I think we all would agree with that. It's an enriching element which we cannot get otherwise in so many cases.

As I travel across the country, I am constantly aware and encouraged of the increasing priority that our country is placing on the arts. In the short while that the Endowment has been in existence, the number of orchestras, for example, has doubled; the number of opera companies has doubled; the number of theater companies has quadrupled; the number of dance companies has increased more than tenfold. As all this is taking place, the audience for the arts is increasing, and more and more people are seeing that an exposure to the arts is something very special, something very special, as someone once put it to me, for the enrichment of the human spirit. I think that's what art is really all about and why it is so important that we attach a high priority to it.

I think that applies greatly to the visual arts. I might say, Mr. Chairman, that I was somewhat of a skeptic some years ago of modern sculpture, and I come from Philadelphia and there was an exhibition of modern sculpture one time there, a good many years ago. These were not original works but they were mockups done in plywood and painted black. They were abstract shapes. And as I wandered through my city, the city where I was born, these shapes at first seemed distracting to me, and even something—well, it was something that my eye objected to.

And yet, as I looked a little closer and studied and observed, suddenly these same shapes of the sculpture began to accent other buildings, shapes, curved arches or higher up steeples or a dome, and I began to perceive my city in a way that I had not believed I could before. I began to see the relationship of form in a different way, and in a sense my own eyes were opened and it was an awakening experience, something I hadn't expected. And that experience had remained with me ever since. I think it's germane to our discussions today.

I just want to say that we have been cooperating with GSA since 1972. The admiral has mentioned a task force that we are now embarked on to try to improve the particular program under discussion today with a particular emphasis on community involvement. Our cooperation with GSA was a groundbreaker. It led us into other relationships with other agencies. We are now working—and I might say this is greatly attributable to the initiative that Mrs. Mondale has taken as honorary chairperson of the Federal Council on the Arts and Humanities, which serves to coordinate different Federal programs that have an interest either in the arts or humanities or in both areas. But the Arts Endowment now is deeply involved in cooperative work with the International Communication Agency for better representation of our best art abroad. We are working with the Veterans' Administration to help with programs in veterans hospitals that involve the arts. We are working with the Small Business Administration for an improvement of how artists can actually become better business people. And we are also working very fundamentally with the Office of Education, now about to become the Department of Education, or now having become the Department of Education, in accenting and giving emphasis to the value of arts in education.

So our cooperative endeavors began really with our work with GSA, and we look forward, Mr. Chairman, very much to working with this committee in its endeavors. We stand ready in any way we can to be helpful.

I would just in conclusion like to make one comment, and that is that in Mr. Abdnor's bill, H.R. 5545, the Arts Endowment is not particularly mentioned and we feel that we have a resource to be helpful. We have now almost 500 panelists in all forms of the arts who are private citizen experts in these fields, and they have a considerable amount of knowledge and experience to give. So as this important endeavor of bringing the best kind of art into public focus—and I certainly would agree with what has been said about the need for finding the best kind of art in each area where it is to be created. What appeals in one area may not appeal in another, and we are very much aware of that.

Mr. ALBOSTA. We will have to go over and vote. We have a vote on the House floor.

This committee will recess for 20 minutes. We have a 5-minute vote that follows the quorum call. So in 20 minutes we will proceed with the committee hearing again. If you would stay here, gentlemen, there are several questions we would like to ask.

Mr. BIDDLE. Thank you, Mr. Chairman.

[Whereupon, the subcommittee was in recess.]

Mr. LEVITAS [presiding]. The subcommittee will please come to order.

My first question is directed at Mr. Moore, and I would like to ask you this, Mr. Moore: What is the specific role of the Federal Council on the Arts and Humanities with respect to the General Services Administration art-in-architecture program?

Mr. MOORE. Well, I would like to give you a little background on the Federal Council itself.

The basic legislation which created the National Endowment for the Arts, the National Endowment for the Humanities, in 1965, also

created a Federal Council on the Arts and Humanities, composed of about 15 members at that point. It has grown to about 18 or 19 at this point.

Member agencies of the Federal Government were involved that had some cultural involvement in programing, like the Smithsonian, the Library of Congress, like the National Science Foundation, the Public Buildings Service of GSA, the Park Service, et cetera.

Its basic mandate is a coordinative one. In other words, if there are problems which arise between agencies—I would rather characterize it as opportunities rather than problems. But opportunities to promote coordination, which is the legislative language, then the Council can be brought into play.

Under the—the Council has not been actually active with a staff function. I am the staff director of the Council at this point. Until about 1½ years ago, when the administration raised the status of the Federal Council and gave it a staff and asked it to become involved with cultural programing.

We work with a number of agencies. We work with the Arts Endowment and Humanities Endowment, with the Department of Energy on various and sundry matters that might arise between them.

Specifically, with the General Services Administration, because Mrs. Mondale, as I said, thinks this program is particularly important, she has asked us to assist the task force in their deliberations. Ours is, I think I would describe it, a mediative one. We are not in a position of telling agencies what to do, but more suggesting to them and just providing them with additional staff expertise and possibly a somewhat more objective observer on whatever problems might arise between them.

Mr. LEVITAS. Specifically, could you give me an example or illustration of your relationship and work with GSA in this area?

Mr. MOORE. Well, we have only become involved as a result of the formation of the task force. The arrangement that was formulated between the Arts Endowment and GSA predated the formulation of an active role for the Federal Council, as it should have.

As I say, at this point the staff has been asked to assist the staffs of the two agencies in formulating a reply to the concerns, both in your questions and Mr. Abdnor's bill. It's an advisory role. At this point we're just attempting to help them answer your questions.

Mr. LEVITAS. Mr. Marschall, what funding on a fiscal year basis has the art-in-architecture program received since its inception?

Mr. MARSCHALL. I have figures, Mr. Chairman, for the last 3 years, and the projected figures for 1980.

In 1977, $394,175; in 1978, $1,335,100; in 1979, $1,268,800. And projected for 1980, $1,296,000.

Mr. LEVITAS. It's my understanding that the program has been suspended on a number of occasions, and that former Administrator Jay Solomon, in the spring of 1977, took steps toward reestablishing GSA's involvement in the art-in-architecture program.

Is that essentially correct, Mr. Marschall?

Mr. MARSCHALL. Yes, sir, it is. It was suspended for a period of what, 8 years?

Mr. DIBNER. The first 8 years, and then about 2 years-

Mr. LEVITAS. You also state that GSA and the National Endowment for the Arts have formed an interagency task force to develop recommendations which would result in greater support and involvement by the citizens in the local areas.

When was this interagency task force formed, what is its present status, and when do you anticipate being in a position to give us your recommendations based upon the task force work?

Mr. MARSCHALL. The task force was formed fairly recently, in response to Mr. Abdnor's concerns about a particular piece of sculpture, and the recognition that it was quite possible there was not enough local involvement in the selection of the artwork.

At the present time—we're going to have a 3-tiered arrangement as far as this task force is concerned. The staff are working on it now and it will be reviewed by senior staff and then presented to Mr. Biddle and to Mr. Freeman at such time as the senior staff has approved the work. We anticipate, as I mentioned in my statement that it should be available the end of January.

Mr. LEVITAS. One of the questions which I would like to put to everybody on the panel relates to the matter I raised with Mrs. Spellman earlier, dealing with the need for a statutory—or whether there should be a statutory provision for an art-in-architecture program, rather than leaving it to the Administrator, whoever he may be at a given time, to either move the program forward or to pull it back.

I would like to find out from each of you what your views are on that concept, whether it should be statutory or whether it should be left to the discretion of the Administrator.

Mr. Marschall, why don't we start with you.

Mr. MARSCHALL. I think it would probably help people like me, who are builders, to have it statutory, for the simple reason that if we know how much money we're going to put aside for art-in-architecture, we can provide the remainder for the construction of the building.

I have had enough scrapes in my time of Federal construction to know that one doesn't often have all he needs in the way of resources to complete a project. And if, in fact, the art-in-architecture dollars were set aside, and we knew that they were there and we couldn't touch them, it would be a much simpler proposition of the decision-maker to say, "Very well, we can't touch that so we'll try to do things in a different way."

In my view, a good law would be very comfortable to work with.

Mr. LEVITAS. I assume—perhaps I shouldn't assume—because of the fact that different buildings may have different characteristics—and I used the U.S. Customs House in New York earlier—there still, I believe, should be some flexibility in the approving committees to make judgments about the amount of such art-in-architecture decisions.

Mr. MARSCHALL. I think it's imperative that there be some discretion, because as I read one bill today, it would apply a certain percentage of art-in-architecture to every repair, alteration, construction project that came down the pike. It's very difficult for me to conceive that this would be necessary or desirable. We should have discretion.

Mr. LEVITAS. Mr. Moore, would you respond to that question?

Mr. MOORE. I would have to concur with Mr. Marschall's remarks. I think that those who have supported his bill would welcome its enactment.

Mr. LEVITAS. I understand that you formerly worked for a Member of the House and assisted in the formulation of the Spellman bill.

Mr. MOORE. Yes, sir.

Mr. LEVITAS. Do you continue to support that measure in your new capacity?

Mr. MOORE. Well, if you would allow me to dodge just a second, because although the administration has not made its formal views known on the legislation, I would like to remark in a personal fashion on the background of this legislation because it was drawn up, I would say, about 2 years ago in its present form, or near to its present form. It did at that time take into account real strong local participation. That, I think, is a salient feature of the legislation, recognizing that over the passage of time there has been generated a great deal of more local recognition of the arts and a desire to participate in them. I think for that reason the Spellman bill has merit, as well as others.

Mr. LEVITAS. You focus on the local involvement. That bill also provides there should be a practicing artist on the selection commission.

Given the potential bias, zealous bias, of an artist in a particular direction, do you think that would be a constructive participation or do you think it might tend to skew the results of the decision?

Mr. MOORE. I think that one way of addressing that question, sir, is to point to the history of the Arts Endowment's empaneling program. No decision is made at the Arts Endowment. It is not made by a panel of experts in the field. Insofar as the visual arts program is concerned, and many other programs of the Arts Endowment, there are artists who participate, who are solicited and participate actively in that process, I would say probably with good reason, because I think they are not as restrictive as one might assume, that their viewpoints can be broader than their own work.

Mr. LEVITAS. Mr. Biddle, what is your feeling about the statutory program?

Mr. BIDDLE. I very much associate myself with what the Admiral and Mr. Moore have said. I think that a statutory provision here is a very constructive one and I certainly want to pay my own respects to Mr. Abdnor for recognizing that principle in his legislation, as well as the need which we agree with for greater community involvement. I think these are both immensely constructive principles that his legislation contains, as well as others that have come under discussion.

I do want to say how much we appreciate that initiative.

If I could just comment also on your question, Mr. Chairman, about the flexibility or inflexibility of artists, Don Moore has mentioned the panel system of the endowment and the fact that we have some 500 private citizens who are—many of them are artists, most of them artists—who guide us in our programs. They are not all artists, but a great percentage of them are.

And also on the National Council on the Arts, which is the 26-member Presidentially appointed council which guides my work, and to which recommendations are made by the different panels in the different arts disciplines, those members of the National Council have

been so often the keys to a broad interpretation of the arts rather than a narrow one. I think you could say the test of a fine artist is in his or her receptivity to new ideas, even though the opinions are strong about the work that the individual artist does.

I was a writer for many years and I aways felt my work was the best possible at any given moment in a day, but I surely recognize that it needed improvement. I think all artists who are serious about their work are never satisfied with their own accomplishments as they look at them from a little bit of perspective. So that I feel the involvement of the artist is very, very important to this project.

Mr. LEVITAS. Thank you. I have a few other questions, but I think I I will turn to my colleage, Mr. Abdnor, at this point.

Mr. ABDNOR. Thank you, Mr. Chairman.

First I want to thank the panel here for being here today. I am sorry for the inconvenience of roll calls that we have to keep you waiting, but I guess that goes along with the way we operate here in Congress.

Before I'm through here, Mr. Chairman, I'm going to go through my bill, because I have a feeling there is a great lack of understanding on what the bill does, or to least what my intensions were. As a matter of fact, it causes me to wonder when you gentlemen first read my bill.

For instance, Mr. Moore, have you read the bill in its entirety?

Mr. MOORE. 5545, sir?

Mr. ABDNOR. Yes.

Mr. MOORE. Yes.

Mr. ABDNOR. I was wondering, because you never made any reference to it in your statement—I mean, you talked in generalities, but I was hoping you would give me some pros and cons and what was wrong with the bill, if you're opposed to it, or if anyone else is. Maybe they're not, and that's good.

While I'm asking you this, could you tell me who asked the Federal Council, for your group to advise GSA? That just came about here recently, I understand. Did it come from GSA or where?

Mr. MOORE. Well, I think it was mutual. I mean, my honorary chairperson has a strong interest in this, and because of other matters we have had an ongoing contact with those agencies. I don't think there was any formal paper that went back and forth. It was just that we had been involved in the program and, as I say, I had had some involvement with earlier legislation. In a spirit of working together, we simply joined the group.

Mr. ABDNOR. Somehow it came about, but I thought you said earlier in response to the chairman's question that the Federal Council on the Arts and Humanities hadn't played any part in this prior to being asked to serve in an advisory capacity here a few months ago.

Mr. MOORE. No, no, that we hadn't, sir. The point I was trying to make was that the program had been in existence for a number of years and the issue of being brought up by your bill and the formation of the task force was the point in time in which myself and my staff became involved.

As I say, that has to do with the basic, I think, legislative mandate of the Federal Council, and that is to assist agencies but not to be constantly looking over their shoulder.

Mr. ABDNOR. Mr. Biddle, have you gone through my bill and looked it over carefully?

Mr. BIDDLE. Yes, sir.

Mr. ABDNOR. Fine, because I do want to go through it before we're through here today, to go through my bill and compare it with the other bill and see if we have any problems. I think that's partly what the hearing is about today.

I don't think I'm being caustic here when I ask these questions. Pardon me, Mr. Marschall, but I was a little concerned that you were looking at my bill this morning and trying to figure it out. So I do want to go through those things, those parts and provisions in my bill in relation to what we presently have.

Mr. MARSCHALL. You saw me going through your bill. I told you I was going through it, but it's very much in the nature of the last minute look at the book. I had studied this bill previously and I wish to assure you that I had done so.

Mr. ABDNOR. Thank you.

You did state that you hear loud and clear voices from Huron, South Dakota and other cities who are sensitive to the desire for greater local participation. Is it your views and thoughts now that you're going to try to bring in greater local participation? Would that be your intent?

Mr. MARSCHALL. You might remember, Mr. Abdnor, when Mr. Dibner went to Huron——

Mr. ABDNOR. Right.

Mr. MARSCHALL [continuing]. And as a result of his experience there, he came to me and we decided right then and there that we had to figure a better way to get local participation in. And as a result, the idea of the task force was generated and within a week the plans were formulated for the task force.

Mr. ABDNOR. Do you feel that it's really going to take as long as—since this outbreak in Huron first set in a while back—that it's going to take until January 30 to come up with a recommendation that would involve local participation? Are you going to need that much time?

Mr. MARSCHALL. Well, if I were an individual and had to do something, I could probably do it today. Every time I have gotten involved with committees and task forces, I find that it takes a great deal longer, particularly when approvals are required from the sides of different houses—not that we have any differences that are apparent to me, but this is part of the National Endowment's charge and it's part of ours, and both sides have to review it.

Mr. ABDNOR. It's more or less the task force concept that originated with you and the Administrator; isn't that right?

Mr. MARSCHALL. And it was certainly agreed to by the National Endowment, with whom we consulted.

Mr. ABDNOR. And you're confident that when this comes out the Administrator will adhere pretty much to the recommendations? He still has the final word on this, does he not?

Mr. MARSCHALL. The Administrator is looking for guidance just as all of us are, in trying to make sure that this program is satisfactory to the Congress, to the Executive, and to the people of the country,

and it became more than apparent that we had not done the job we might have in Huron, S. Dak., in consulting the people there.

So yes, he is anxious to get the results.

Mr. ABDNOR. But he has the final word—I mean, he is still the chief officer in this organization and if he prefers something different than that recommended, he is free to make his own decision, is he not?

Mr. MARSCHALL. Yes.

Mr. ABDNOR. I mean, he's not tied to this.

Mr. MARSCHALL. No, he's not tied to it. But he is seeking the best judgment he can find.

Mr. ABDNOR. Fine. I can appreciate that.

I realize you have only been on board, as has the Administrator, for a few months, and this hardly goes back to you. But this program has been in existence since 1963. Why do you suppose it has taken so long to wonder whether we ought to have a little local participation? Obviously we have had this problem before. I have heard several statements from the panel about other pieces of art that were frowned on in the beginning, and "we're going to make people enjoy this and they're going to like it," and then I recall what Mrs. Spellman said today, the gentleman she quoted.

But I'm wondering why it did come to a head with "Hoedown." I have got to believe that that animosity toward this sort of thing was there a long time before it got to Huron, S. Dak. I wondered why it took so many years to come to that realization.

Mr. MARSCHALL. I just don't know.

Mr. ABDNOR. Well, I realize you haven't—I mean, that goes through my mind. Again, you have been on board just a few months, but I can't believe—How long have you been here, Mr. Dibner?

Mr. DIBNER. Two years.

Mr. ABDNOR. Two. OK.

Mr. LEVITAS. The subcommittee will stand in recess while we answer this rollcall. We will reconvene at approximately 1:15.

[Whereupon, the subcommittee was in recess.]

Mr. LEVITAS. The subcommittee will come to order.

At the time of the sucbommittee recess Mr. Abdnor was in the midst of his questions.

Mr. Abdnor.

Mr. ABDNOR. Thank you, Mr. Chairman.

Mr. Marschall, I would like to make one comment, and that is why I am eager to take up my legislation with you people, because I think there must be a misunderstanding, evern though you made a careful study of it, because I don't think, in speaking of the solicitation proposals—we can get to that part of it in the bill, but I would like very much to go through that with you, because I think you and I have a complete misunderstanding on that.

You also commented on requiring artists to compete based on costs. Now, there is no intention in my bill to have artists compete on costs. The purpose of requiring the artists to submit an estimated cost with his or her proposal is to prevent a $250 piece, or a $25,000 piece of artwork, from being commissioned at $100,000. It could happen. Artists are fine people, but like in all groups, they could want to get the full amount they think is available for them at the time.

It could be further construed as any other bid by GSA, such as in the selection process of a contractor. We take the lowest bid. I am not necessarily recommending that at all, but I am just suggesting that maybe we shoud have some idea what their piece or artwork or proposal may cost. The last thing I am suggesting is that we have to take the lowest bidder.

Let me ask you, are you aware of any artwork that has been commissioned where you feel the cost has been too high for what has been provided? I mean, in all your million-dollar-something last year, $1,335,000, have you felt we have gotten our money's worth on all the artwork?

Mr. MARSCHALL. I honestly can't comment on all of it. We do know, based on the artists involved and the works that have been done, that there has been a great appreciation in the dollar value of some of the artwork which we have commissioned. To tell you that I think every piece of artwork that was done has increased in value or decreased in value would be presumptous of me. I just don't know.

I can tell you that there are many pieces in this program which are considered extremely valuable compared to what we paid for them.

Mr. ABDNOR. I can understand that. Relating to other things, assets I have bought, they have gone up with inflation, too. But we don't accept goods with the Government saying that 10 years down the road this is going to be worth what I offered it to you for.

Let me ask you this: Do you know of any instance where the artwork has been completed for less than the designated maximum figure that we allowed? Maybe Mr. Dibner would like to answer that.

Have you had pieces where you have gone under it?

Mr. DIBNER. Yes. What happens is, once the artist is selected, there's an actual negotiation that takes place. In many instances, the negotiation results in a fee to the artist that is below the one-half of 1 percent maximum that we have. We don't just go and put dollars in front of the artist.

In several other instances, by the way, fees have been negotiated with the artists that are below their normal prices for their work, and the fee was determined by our upset of one-half of 1 percent and we couldn't pay any more, and where Mr. Marschall indicated that quite a number of works had appreciated, they appreciated not only because of inflation but because, No. 1, artists in several instances have been paid below their normal going rate but this was a chance for them to get into a Federal office building, and No. 2, a number of the artists that we commissioned are younger artists who subsequently go on to reach greater acclaim and therefore their works are worth much more, and therefore the works that we purchased at these lower costs, you know, also appreciate with the appreciation of their fame, so to speak.

Mr. ABDNOR. Thank you.

In other words, you do have that fee for the service worked out before the actual work even starts, is that right?

Mr. DIBNER. Yes, sir.

Mr. MARSCHALL. Yes.

Mr. ABDNOR. With that in mind, what you just said, why do you feel, Mr. Marschall, as you state in your testimony, that it's unlikely that many recognized artists would enter such competition under my bill?

Mr. MARSCHALL. Well, here again, Mr. Abdnor, we understood your use of the term "proposal" to include a dollar value. I also think that in the interpretation of your bill, we thought that the artist would have to submit the type of thing he wanted to do, the sample and so forth.

Some of the artists involved in our business probably wouldn't even submit on that. As far as the dollar value is concerned, that has to be negotiated.

Mr. ABDNOR. Well, under my bill those, too, would submit a ballpark figure of what they think their piece of art is worth. There is nothing in the bill that says you have to pick the lowest. But I think it would be interesting to see what we receive.

Architects bid for their jobs, for the opportunity, and a lot of——

Mr. MARSCHALL. Not in the Federal service, Mr. Abdnor. As a matter of fact, the day that we have to take architects on price, I'll resign.

Mr. ABDNOR. That's interesting. The architect has to take the building, then, that is being constructed, on the figure?

Mr. MARSCHALL. The contractor bids in the marketplace; the architect as a professional.

Mr. ABDNOR. Well, the difference, I would assume you're saying, is that you would have to accept an architect's lowest bid, which I am not suggesting in this bill.

Mr. MARSCHALL. We were concerned that that might happen. When price becomes a factor, too often it becomes the most important factor.

Mr. ABDNOR. I have a hard time believing that an artist would feel degraded or insulted if he or she would have to submit somewhat of a cost proposal. I think the American public, the taxpayers, are entitled to that much.

As you just said, Mr. Dibner, young artists are craving for the opportunity to show their work to the public. I would like to think we're not shutting out unheard of artists in this thing, just because we have got to have this very select group. Some of the real raw talent, and even professionals, haven't had a chance to, if I can use the term, "hit the big time." This is their opportunity.

I don't think they're going to be insulted, and I think it would be great for the Government to bring out other artists in the field and develop them. I'll tell you, I don't see a thing personally wrong with this.

Well, let's get off of that for a minute.

How can the past work of an artist provide sufficient insight into the work he or she will provide at a new location? Do you go by that, even though it's a completely different theme? Do you think an artist has the capability, if their work is such on one thing, that we can accept it that way on any other kind of work?

Mr. MARSCHALL. As you pointed out earlier, I have been in this business for a relatively short time, but I have had an intensive course in this particular field.

I find that, yes, the artist's past work can be an indicator. As a matter of fact, in most professional ventures that is the case. It is conceivable to me that there is a misunderstanding here, too, because not only must the artist have a track record of some sort so that he

can be selected, but once selected, he must submit what we call a maquette—I'm learning new terms. I couldn't tell you what that means, except that it's a sample of what he's going to put up. This maquette is submitted to a board which observes it, discusses it, kicks it around in general, and it's either accepted or rejected.

I am sure your next question would be, how many have you rejected, and there have been a few.

Mr. ADBNOR. When does he submit that?

Mr. MARSCHALL. After he has been selected, but prior to going into the finished work.

Mr. ABDNOR. There is something that bothered me a little here in your statement. You feel that since it's a Federal program, the Governors are not in a position of appointing members of an advisory panel.

How far would you carry this? Is this——

Mr. MARSCHALL. No; I feel that the Governor in the instant case should not have the preponderance of membership on a board as suggested in your bill. I think it's six to four, six by the Governor of the State and four by other agencies.

Mr. ABDNOR. I realize that both of us have some changes of heart when we start out from the beginning. I have every intention to recommend that number be cut to four and maybe that will make it a little more palatable in your mind.

I certainly feel that in all our Federal programs that after we pass them the Governors in our States administer them, and some of us feel that's what the people really want. When I'm dealing with taxpayers' money, I personally think the closer you keep it to the people, the better.

I have an article from our largest newspaper in South Dakota, the Mitchel (S. Dak.), Daily Republic, "'Hoe-down' Strikes Out Again"—and I want this in the record.

[Article referred to follows:]

[From the Mitchel (S. Dak.), Daily Republic, Sept. 14, 1979]

"HOE-DOWN" STRIKES OUT AGAIN

FARGO, N. DAK. (AP).—If you want your sculpture to be appreciated in the Dakotas don't name it "Hoe-Down."

A sculpture by that name in front of the federal building in Huron, S.D., has come under fire from the citizens—they say they just don't like the telephone-and-boiler-plate contraption. Now, businessmen and civic leaders in Fargo have rejected plans for another sculpture called "Hoe-Down."

The like names are a coincidence; the Huron sculpture was created by a California artist, and the proposed Fargo piece was dreamed up by a Texan.

The second "Hoe-Down" was to have been a group of people square dancing to grace Fargo's downtown shopping mall. But Fargo's Downtown Business Association and Parking Authority rejected the idea.

We all said, "Hey, we're not sold on half a dozen people dancing in a sculpture," said Kenneth Umbehocker.

But the Texan sculptor, Louis Jimenez, consulted with the Association and came up with a second idea—"Breaking of the Earth," showing a Red River Valley farmer and his oxen plowing the prairie.

Huron residents didn't have any prior say on their "Hoe-Down." The General Services Administration put up the $25,000 sculpture under the art-in-architecture program.

Fargo's sculpture is funded half by the association and half by the National Endowment for the Arts.

The Huron sculpture has been criticized by residents because of its abstract nature. Umbehocker said the Jimenez sculture would be realistic employing, "identifiable figures—nothing abstract."

Mr. ABDNOR. Let me read:

If you want your sculpture to be appreciated in the Dakotas, don't name it Hoedown. A sculpture by that name in front of the Federal Buiding in Huron, S. Dak., has come under fire from the citizens. They say they don't like the telephone and boilerplate contraption. Now businessmen and civic leaders in Fargo have rejected plans for another sculpture called "Hoedown." The like names are a coincidence. The Huron sculpture was created by a California artist and the proposed Fargo piece was dreamed up by a Texan. The second Hoedown was to have been a group of people square-dancing to grace Fargo's downtown shopping mall, but Fargo's downtown business association and parking authority rejected the idea. We all said, "Hey, we're not sold on a half-a-dozen people dancing in a sculpture."

But the Texan sculptor consulted with the association and came up with a second idea, breaking up the Earth, showing a Red River Valley farmer and his oxen plowing the prairie. Huron residents didn't have any prior say on their Hoedown. The General Services Administration put up the $25,000 sculpture under the Art-in-Architecture program. Fargo's sculpture is funded half by the association and half by the National Endowment for the Arts.

I think that's an interesting thing that came along on Sunday, since this was coming up, showing that everyone is happy. I think the National Endowment for the Arts is, and so are the people of Fargo.

That's why I guess I have the greatest concern for local input.

Incidentally, what does the overall group consider to be a qualified and knowledgeable individual? What do you consider to be qualified and knowledgeable?

Mr. MARSCHALL. These people, Mr. Abdnor, are the ones recommended by the National Endowment for the Arts, and as has been previously said by one of the witnesses, they have a large bank of talent from which to draw, people who not only are artists themselves but who understand and appreciate art and have some standing in the community.

Mr. ABDNOR. Well, I'll tell you what I would like to do. I know you're hungry, and I didn't have breakfast, either——

Mr. MARSCHALL. Oh, I had breakfast. I'm not at all hungry.

Mr. ABDNOR. So we will have a better understanding here, I would like to go through and talk about your program today, and if I'm wrong, stop me. I mean, maybe I have misinterpreted what we're doing today.

I am going to take this in steps and relate it to my particular bill. In a way, you have what I will call seven steps here.

No. 1, once the GSA decides that a building will be constructed, or that major repairs and alterations are necessary at a building, the Administrator submits a prospectus to this committee for approval, usually a line item that is affixed to the prospectus allowing one-half of 1 percent in the total project cost to be spent for artwork that is included under the art-in-architecture program. I'm OK to that point, I think.

Once that committee approves the prospectus, the GSA informs the architect chosen for the project that he may incorporate work of art as part of the overall design concept of that building; isn't that correct?

Mr. MARSCHALL. Yes, sir.

Mr. ABDNOR. The architect then identifies the site and general nature of the artwork he recommends to be commissioned and submits his proposal to the GSA.

Now, if I'm correct on that, what happens if the GSA does not like the proposal submitted by the architect?

Mr. MARSCHALL. It has been changed in the past. Mr. Dibner here has more direct experience on that.

Mr. DIBNER. Yes; there have been a number of instances where the architect suggested a certain location and, in fact, suggested a certain kind of art, like a mural or sculpture. But when the panel met together at the site, this panel of art experts. they reviewed the architect's proposal and, based on their own knowledge and discussions with the architect who forms a member of the panel, they chose a different location and/or a different type of medium. So there is a definite chance to change locations and change media based upon what the panel sees at the building.

Mr. ABDNOR. Very good. Then the National Endowment or the Council on the Arts has a chance to make comments on this procedure, right?

Mr. MARSCHALL. Yes, sir.

Mr. ABDNOR. Let me say this for the record—that my bill doesn't change this in any way at this point. OK; just so we understand that.

Mr. MARSCHALL. Yes, sir.

Mr. ABDNOR. Step two. The GSA Administrator then transmits the architect's proposal to the NEA and requests the chairman to convene a panel of qualified art experts to nominate artists for the project. That's correct, is it not?

Mr. MARSCHALL. Yes.

Mr. ABDNOR. Than I understand the National Endowment has its own file of artists; that's correct, isn't it?

Mr. MOORE. No. The National Endowment has a file of people who would be potential panelists.

Mr. MARSCHALL. Panelists, not artists.

Mr. ABDNOR. Than you don't have a listing of artists to be taken from the panel there?

Mr. MARSCHALL. No. The panels know the artists and we have artists on file with us, and we make this available to the panelists who, in addition, have ideas of their own about artists.

Mr. ABDNOR. Again a misunderstanding, I think.

Mr. MARSCHALL. The broadest spectrum is brought into the selection process.

Mr. ABDNOR. The architect on the project—does he have a list, too, that he can refer to?

Mr. MARSCHALL. Yes.

Mr. ABDNOR. All of these are selected from a file for consideration by the NEA chairman and panel; am I correct?

Mr. DIBNER. Mr. Abdnor, there are two separate procedures here. One is the selection of the panel itself. This is a panel of art experts who in turn will select the artists.

The panel is selected by the National Endowment for the Arts, and they have access to many different art experts throughout the country and they select that panel.

Their procedure, by the way, is to start at the location and try to find art experts and, in fact, go from that location out in concentric rings until they make a panel up of three to five people. Then the architect is added to that panel.

Once the panel is selected, then this panel reviews artists. Now, the artists are nominated or suggested by many sources. GSA has a whole file of artist slides that we bring to the panel meeting. The National Endowment for the Arts has slides of artists that they bring to the panel meeting, and the architect brings slides, plus the panelists themselves bring slides. So you have a selection from which sometimes there might be 100 or 150 different artists whose work is looked at during the selection process. It all comes from these various sources.

Mr. ABDNOR. So it's not really too impossible for a relatively unknown to have his work presented.

Mr. DIBNER. In fact, we have many slides of, as you say, relatively unknown artists because we solicit the entire art community asking for their slides so that we can keep them on file.

Mr. ABDNOR. Let me ask you this, then, either Mr. Marschall or Mr. Dibner. What is a qualified art expert by GSA's definition?

Mr. MARSCHALL. Well, artists, museum curators, scholars in contemporary art, people knowledgeable in the art of their region. Any number of definitions can be applied to art experts, as long as they, in fact, are capable and knowledgeable in the art in which we're dabbling at the time.

Mr. ABDNOR. Is that pretty much NEA's definition also?

Mr. BIDDLE. Pretty much so.

Mr. ABDNOR. I guess you said this a minute ago, that you end up with three or four people on this panel? How many people will NEA wind up with?

Mr. BIDDLE. It varies, but usually four.

Mr. ABDNOR. When you get this panel together and you review the site, how do you make your selection and how many artists are chosen to look at this proposed plan or whatever we're talking about.

Mr. DANESE. Mr. Abdnor, in most instances we are seeking—the panel looks for an artist who might best respond to the specific site in the project, because it is believed that integrating the art with the site and the architecture is one of our mutual goals in the program. So in many instances artists that would not relate well to the site in the consideration of the panel would not be considered further.

As many artists as possible are considered at the beginning of the meeting. It's a matter of taking continuous votes and whittling those artists down to a more workable number.

Mr. ABDNOR. Again, the number of artists you pick is how many out of this group?

Mr. DANESE. There to five, and they are often ranked by the panel in order of preference.

Mr. ABDNOR. But at this point——

Mr. LEVITAS. Will my colleague yield at that point?

Mr. ABDNOR. Yes.

Mr. LEVITAS. I don't know who can answer this question, but I would like somebody to. I have before me a list of art-in-architecture projects from 1972 until approximately the present time, and in this regard it appears that the program doesn't seem to have consistency.

For example, only 2 artists were considered for Akron, Ohio, 1 artist for Charlotte Amalie in the Virgin Islands, 2 artists for Fort Lauderdale, Fla., and 25 artists for Oklahoma City, Okla.

Why isn't there more consistency?

Mr. DIBNER. Mr. Chairman, what you have is a list of the artists who were selected. In quite a number of buildings we select more than one artist and have more than one artwork. But the selection of each artist was made from three to five artists who were proposed to us by the National Endowment for the Arts panel.

So what you have there are the final selected artists, and as you see, in quite a number of buildings there are multiple artists that have their works. There might be a sculpture plus a mural; there might be a number of other kind of artworks. For instance, in the Richard Russell Building there will probably be four artists in that building.

So the number that you see are the number that have been selected.

Mr. LEVITAS. I'm glad you mentioned the Richard Russell Building. [Laughter.]

Mr. DIBNER. I figured it would come up, sir.

Mr. LEVITAS. It calls to mind a question. Well, I'll let Mr. Abdnor get to his before we get on to the Russell Building.

Mr. ABDNOR. So you pick three to five artists normally to present a proposal. It is interesting, though, that at this time you have—all you have is a passport to go by, and you assume they are the people and you judge as to whether they can fit the proper piece of art into this particular site. I don't need to change that, either. I'm willing to go along with it, and my bill doesn't make any change.

I am wondering, are the NEA-appointed panelists mentioned in the third step the same people the NEA Chairman appoints in step 2? Is that often the case, often the same people?

Mr. DIBNER. Yes, sir, that's the same panel that is convened and that same panel then goes on to nominate three to five artists.

Mr. ABDNOR. Very good. The reason I asked is that because the third step is a bit misleading. You mention four groups will provide the visual material of artists, panelists, architect, NEA and GSA, and some of them are the same. That's all I wanted to provide.

Now, here's my point. I am suggesting in my bill, in stead of 3 to 5, it's 5 to 10. I don't think that's too much for this panel to comprehend and look over. They're very talented and capable people and I think there should be a wider selection.

Let's take step four. The NEA, as I understand it, transmits the lists of artists mentioned to the GSA for review by the Art-in-Architecture Design Review Panel, which makes recommendations to the Administrator. It is the Administrator that makes the final selection from this list, isn't it?

With all this background knowledge, and why we should have people in the arts doing it, why doesn't GSA make the final selection, after they have already had a part in selecting the panels? I don't know really why it's necessary to have the GSA make the final selection.

Does the NEA feel the Administrator has the expertise to make the selection?

Mr. DANESE. The list of artists are ranked in order of preference by the panel. However, the entire panel, the entire list, is acceptable to that panel. It is our feeling that the final authority for the expendi-

ture of funds is a GSA responsibility, and for that purpose the Administrator, working with his staff, develops a conclusion that he is comfortable with.

Mr. ABDNOR. If we're really getting down to real artistic talent, it shouldn't come from the Administrator.

Mr. DANESE. No one on that list would be of talent that we——

Mr. ABDNOR. You wouldn't be satisfied with any of them?

Mr. DANESE. I think our panels would yes, sir.

Mr. ABDNOR. I guess that's why I feel so strongly that this panel should probably have enough local input with others, that really that panel ought to be probably the one that makes the final selection.

Mr. DANESE. May I add one item to that, sir?

Mr. ABDNOR. Yes.

Mr. DANESE. If you will note from the testimony that was provided this morning, more than 70 percent of the panelists in the last 2 years for GSA projects have come from the State in which the project has occurred.

Now, that may not be the immediate area in all instances and, indeed, in many instances it is not. But it does show that many local concerns and local artists are represented already on the panel, and that is our experience as well.

Mr. ABDNOR. I guess with my limited knowledge it hasn't been true where this one incident occurred, and I couldn't help but—while the NEA is involved, it must not have been true up in North Dakota because there was a complete reversal up there as you note from the newspaper article.

Mr. DANESE. That was a somewhat different situation, sir.

Mr. ABDNOR. One thing I am suggesting in my bill is that we provide the GSA contact 5 to 10 artists, to inquire of their interests in providing artwork instead of 3 to 5.

Of course, in my bill, I want you to understand these artists interested would travel to the site and would be asked to submit proposals of the work they would provide. Frankly, with a little local input, this could avoid a lot of problems we have experienced in the past. Apparently you have experienced it all over the United States if the truth is known.

Mrs. Spellman obviously has found problems over in her part of the country. They aren't all like Michigan, where we suddenly within 12 months have convinced everybody in the local community they have to learn to love it.

Also we have GSA getting a cost estimate on what each artist would be paid. Would you give me what we would have to pay for each one of these artists that would come out, if we gave them a per diem for traveling to the site? I realize that is going to be an added cost, but I think overall it might be somewhat absorbed and offset by the savings we might have.

Bringing the artists out and giving them per diem, do you have any thoughts of what that would cost?

Mr. MARSCHALL. Well, per diem right now has a maximum of $50. In this case it would depend on how many artists and where they had to go and what the travel cost would be. It would vary, of course. It would be a nominal figure as far as I can see.

Mr. ABDNOR. If we asked artists to submit proposals, do you think that would be an additional cost?

Mr. MARSCHALL. I personally think so, yes.

Mr. ABDNOR. Do you presently pay architects at all extra when they submit a cost? Are they reimbursed at all?

Mr. MARSCHALL. At the level three selection process, they are paid for the work they do.

Incidentally, I have discontinued the use of level three.

Mr. ABDNOR. I thought that was right. I'm not completely adverse to Mrs. Spellman's proposal if it's necessary to go to this 1 percent if that's what it would take. I doubt it.

Mr. DANESE. Sir, one point. In many instances proposals, or maquettes, for a specific project, solicited from a number of artists, would require the expenditure of funds, and in many instances a standard to the cost of such a maquette is usually around 5 percent of the total commission amount. That may prove a hardship in the program if such a policy were to——

Mr. ABDNOR. You mean if you have $100,000, we can automatically expect those people to ask for $5,000 for submitting their plan?

Mr. DANESE. There is a great deal——

Mr. ABDNOR. But they may submit a plan, as you said earlier, that could be far less, half that amount, but they still will expect 5 percent of the total cost for submitting the plan?

Mr. DANESE. Correct. It would be 5 percent. A great deal of time and a great deal of work goes into developing a proposal.

Mr. ABDNOR. We're not exactly asking for the whole piece of artwork to be developed by that time. I suppose they would have to be reimbursed. But I find it difficult to think we automatically assume they have to have 5 percent of whatever the maximum allowance is for this, but this is something we'll have to discuss.

Now, my bill further asks that the artists submit proposals to the GSA that would actually be installed along with cost estimates and the size of the artwork. That's the thing that you're telling me is going to be so expensive, right?

Mr. DANESE. It's expensive if it's solicited from a number of artists. If the primary artist who is being commissioned for the project is asked to undertake a proposal, then that's done at this moment. That is currently——

Mr. ABDNOR. Well, what do you have to go on now? At least we would have a rough idea, the panel would have some idea of what this guy has got in mind. I'm not saying he has to have the whole elaborate plan worked out, but I have got to believe this panel should at least have some idea what he intends to put there.

You don't tell him anything, do you, what he——

Mr. DANESE. Sir, I think the manner of selecting or commissioning someone on past performance is a tried and true method, and we do have reliance on that system.

Mr. ABDNOR. You will admit we have had some real controversies with that, too, because there hasn't been much local input, wouldn't you?

Mr. DANESE. Mr. Abdnor, the proliferation of public art programs in this country has caused a very new relationship to develop between communities and artists. It is often an uneasy and uncomfortable one. The artist is asked to consider community values and the community is asked to consider artists' values. It is a new relationship.

We want to foster that. Controversy is inevitable in this situation. Frankly, in many instances, we welcome it. It is in the nature of art itself.

Mr. ABDNOR. Sir, let me tell you something. This one little incident, in little Huron, S. Dak., has already attracted national attention. I didn't start it and I didn't ask for it. But I know it's there, and you have got to know by now it's there, where Paul Harvey and everyone else is speaking to it across the United States.

You're going to see this happening time and time again. And whether the artists like it, or you like it, the taxpayers of this country are going to start making some demands, maybe even trying to cut out the whole thing. I'm catching plenty of criticism because I'm even bowing to a new proposal instead of wiping it out altogether. If you think that isn't a common feeling in many areas of the United States, and we're not all in for trouble on this, we had better get some more consideration. I would admonish you on that, that I don't think I'm wrong in making that statement.

I mean, it's great to be in your own little circle of the arts and knowing what's right, but you still have to sell that to the people of this Nation.

Mr. BIDDLE. I don't think we were ever intending to say that art can be defended because it's controversial. Art is controversial, but we have to work out with you and with the committee, I think, a way and the best way we can do this.

We have to recognize clearly with you that there have been difficulties here, and we are aware of them just as you are, I think. You have it more close to your own area because it has happened there.

But I think that when we talk about the means of correcting what needs to be corrected, we have to consider a great many factors and a great many options. We are ready to share with you all the expertise that we can offer and then, of course, it is the wisdom of the Congress to decide.

I feel that the arts are receiving an enormous new sense of priority everywhere in the country, and as that is happening, people are becoming more involved. People didn't use to have that feeling, but they are increasingly having it now. We have to recognize that very clearly, and we have to make the best kind of solutions here.

Mr. ABDNOR. I am correct in assuming, am I not, that all our outstanding art does not rest in Federal buildings. I mean, while we may want to be more adventurous and go into a new type of art, there is plenty of private interest and private sources and maybe we had better be more standardized and more to the people's local taste, even though it doesn't represent the new kinds of art, because this is done by taxpayers dollars and the taxpayers get on their Congressmen.

Gentlemen, I have seen legislation up in this Congress pass 2 to 1, only to get vetoed in past years. But because of the attitude of the people this time, I saw two important measures defeated only because the people woke up and got on their Congressmen. We're very flexible. We go one way or the other on the whims and desires of the people. Frankly, that's what we're elected to do. I would like to avoid that, and I think my proposal has got a lot of constructive measures in it that would correct this.

Now, my bill would ask artists to submit proposals to the GSA that would actually be installed along with the cost estimate and the size of the artwork. At that particular point, when the proposals are received, I would have a panel consisting of two NEA representatives, one GSA representative, the architect, and four persons appointed by the Governor—I told you I changed this and I will offer an amendment to my own bill here, asking that the Governor appoint four persons. They would review the proposals at the site and select the work to be installed by a process of majority vote.

I have got to believe that at that point in time it would be so much easier to sell it to the area that is involved, where you're observing this day after day and year after year, this piece of art.

What do you find wrong with this, Mr. Biddle, if I cut the numbers——

Mr. BIDDLE. I don't want to really at this point comment too much on specifics, but I think——

Mr. ABDNOR. Wait a minute. Why? I mean, this bill has been out for a month. You must be talking about it among yourselves. We want to move along, and we have tons of work——

Mr. BIDDLE. We have been studying this, and I really feel that my job is to assemble the experts to give judgment on things, rather than to try and pass judgment myself.

I don't think that I can appropriately comment on specifics in detail and authoritatively from my standpoint until we do have the results of this study that we're trying to accomplish as quickly as possible. I don't think we are being unduly slow about this process at all, because we are very conscious of your concerns and the committee's concerns, and I am concerned. I think Admiral Marschall is concerned, and so is the Administrator of GSA. We're all concerned about this.

But let's just take one specific, the appointment by the Governor. Would it be better to have the Governor make that appointment, or those appointments, or should they be referred to, let's say, the State arts agency, which as you know, each State has a State arts agency set up by the State to look after the arts in the given State. Each State arts agency is appointed through the Governor's office, and each has a chairman and executive director. Each State arts agency is created as a kind of "mini" National Endowment for the Arts, with a council of citizens to advise, and may be they would be better as source of information in the area than would just the Governor's office. So that would be a thought.

Mr. ABDNOR. Did the thought ever occur to you that under the circumstances the Governor would have to give great consideration to the people he chooses, that he's not just going to go out and appoint—I guess I have more confidence in the Governor——

Mr. BIDDLE. No, I don't have any reservations about——

Mr. ABDNOR. I mean, the GSA guy makes the final decision and you think that's all right, even after you have reviewed something. I think a Governor ought to be qualified- —

Mr. BIDDLE. I didn't say he's not qualified.

Mr. ABDNOR. Well, I think he would use enough discretion. He might pull in some, one or two. I can conceive—I don't know—who are not artists in the strict sense of the word. But I have a hunch there's an awful lot of those kind of people in this country that are

going to be looking at that and maybe it would be kind of nice to get some raw input from that type of a person and not have all artists. Not everyone has probably as great an appreciation, and yet everyone is paying for this and could conceivably have some say down the road. It would be well to say, "look, we're not all artists here and we do have some citizens," and I wouldn't suggest that the Governor is going to put all four local people who are not associated with art in any way on this panel.

Mr. BIDDLE. I was just suggesting the State agency really because that is the Governor's arm in the arts. It just is another option that I think we ought to think about.

Mr. ABDNOR. Thank you.

Does anyone else want to comment on that particular phase of this thing? If you do, I would be glad to hear it. And I appreciate your comments, Mr. Biddle. That's what we're here for.

Mr. MOORE. Could I just add one small point to that, sir, and I possibly at the same time will brag a little on Mr. Biddle.

He mentioned earlier that he had had a hand in writing the Arts Endowment legislation. The Arts Endowment legislation provides automatically a certain portion of its moneys to State arts councils. They are independent of the Arts Endowment. I wanted to make that point clear, that while they are allied with us and do receive part of their funding from us, these are not agencies that are within our control. They are the "creatures" of the States, created by the States, by the legislatures and by the Governors.

Mr. ABDNOR. Thank you. I appreciate that.

Let me take step five in the present proposal—and not mine, but this is back to what we do today. What I would call step five, the regional fine arts officer and the GSA, and the architect project manager negotiate a fixed-price contract with the selected artist for the design and execution and installation and all other contract requirements. Negotiation takes place at the project site—and I have no quarrels with that, and I won't attempt to even change it in my legislation. I just want that to show for the record.

Now, what I would call step six, the artist develops a proposal for the presentation to GSA's art-in-architecture design review panel in Washington, and upon approval by GSA, the artist will receive his payment and proceed with the execution of the work. The second payment is made upon completion and before installation.

Well, I delete that step. I stay at the site there.

But the last step that you do is the artist is responsible for the installation of the work, final payment is made upon completion of all services, and I have that still retained in the proposal that I make.

I just want to set those features out in the bill, because somehow I don't want people to leave here thinking I've got a whole completely new proposal. I guess when it's broken down to black and white, I just added a little more local input and I have enough faith in the Governor to think he is capable of finding four people who know enough about art that the people of an area would like, and I think Mrs. Spellman would agree with that, in the East as well as the West.

Thank you, That's all I have. I thank you for all that time.

Mr. LEVITAS. Thank you, Mr. Abdnor.

Mr. Dibner, what is the approximate cost of the mockup or maquette in most instances? What are we talking about?

Mr. DIBNER. Mr. Chairman, it varies so much with the particular type of art. Let's say a muralist would come in with a sketch or an actual painted small rendition of what he or she intends to do, while the sculptor would come in with something hard, made out of different materials. So it is difficult to assess what the normal cost would be.

We, in our negotiations, the payment that we make at that stage, after the maquette is approved, varies slightly with the kind of artwork that it is. But it usually runs, I believe, about 20 percent—I'm sorry, about 30 percent of the total cost, because most of the creative effort goes into the creation of a maquette.

Mr. ABDNOR. Mr. Chairman, could I ask you to yield a moment?

Mr. LEVITAS. I would be happy to yield.

Mr. ABDNOR. We were talking about this 5 percent figure if we asked them to present a proposal. I guess I would have enough confidence, if we picked five artists, that they are all very talented people. And at this point all I really would want to know is what they have got in mind and what they would like to have for their work.

That's the key. I'm not interested in how fine they're going to break it down. I think the theme would be—I think that's where we run into a problem. You may have the most beautiful piece of work presented to you, all drawn out ahead of time, and I guess we would get the same answer. They would say they like it or they didn't like it. The lady or gentleman, whoever is submitting the proposal, would come in and say, "This is what I have in mind," where maybe it's too difficult to black it out on a piece of paper, or maybe just let him or her tell us orally. I think that's the key to it. We would like to have some idea of what that person has in mind.

Mr. DIBNER. I appreciate what you're saying, Mr. Abdnor, but what I have noticed in the presentation to us is that all of the creative—we ask this artist not to take something from the shelf but, rather, to create something specifically for that building, for that site, which means that artist has to, in many instance, go to the site and live there for a week or so just to experience—and then go back to the shop where their whole creative activity takes place prior to developing this concept, this maquette. So a lot of time and a lot of thought goes into the development of this.

I think, in order to get that artist's idea, as you are pointing out, we would expect, and I think the artist in just about every cases, puts a tremendous amount of effort into that, to show us exactly what his or her concept is.

It is not the final product. There is development past that time. But it is at that time that we can see what the artist intends for that building. So it does take a lot of time and, therefore, a lot of effort, and therefore would I think cost money for the several artists, as you suggest, to come up with these ideas and express them in some way that they can communicate with the panel. I think that's where the problem is, that there would be costs involved in order for the panel to make a mature judgment.

Mr. ABDNOR. Thank you.

Mr. LEVITAS. Mr. Dibner, in the private sector, if an architect was selecting art for a building on behalf of the owner, would this procedure be followed or is this something that is unique to the Government?

Mr. DIBNER. I spent many years in the private sector and I have had quite a number of corporate clients who felt the importance of art in the architecture that they did. Basically, the process that they followed is similar to what the Government has, the fact that they usually convene the panel of whom they consider experts to choose the artist to create a work.

The other alternative is to actually go and purchase a work already created. But when you talk about an integration of art in architecture, I think it loses a lot. I found from my own experience you lose a lot when you're taking something off the shelf not created exactly for that particular thing.

It's hard, for instance, with a mural. A mural is a very specific, site specific kind of artwork. To just take a painting and hang it on a wall is a totally different approach than what we're trying to do, this integration of art in architecture.

So I think you will find—and maybe the National Endowment for the Arts can tell us more about it—many corporate clients, or many corporations, are doing something very similar to what the Government is doing.

Mr. LEVITAS. Do they go through this maquette procedure as well?

Mr. DIBNER. In some instances, yes; in some instances they rely on the artist to create and they saw the finished product. Again, just as we choose architect engineers, you are buying the talent based upon what they have done in previous projects. You are giving them the confidence that they can do well for you here.

We have this intermediate step, which in several instances we have turned down maquettes. We say this is not proper or in some instances they were dangerous with regard to the life, health and safety of people. In some instances, they just did not fit properly with regard to the building. We have had to say, "No, come back again with something better" and they have come back. So it is a safeguard that we feel we have.

Mr. BIDDLE. If I could just add to that, Mr. Chairman, I think that many corporations—and I won't say this is across the board by any means—but many corporations that are involved in the arts, and they're increasing in number, have a much more simple selection process. They have a consultant or a person employed by them who is a kind of corporation curator of arts on whom they depend largely for advice.

I was talking to a corporation leader the other day about exhibits of art that they are doing. This is a concern that has a number of outlets. They have one person making the decisions.

Our process is much more, I think, responsive to a great many aspects of art, because it is a public process and it is funded by the taxpayer. But certainly it can be approved.

Mr. LEVITAS. Mr. Danese?

Mr. DANESE. I think one thing that the task force has discovered is we have got a fundamental problem in one specific area. In many instances art appears overnight in the community, without any fore-

warning and without any participation by that community. This is an area where we do feel remiss. The task force, for that reason, wants to develop something that is sound and reasonable, to work with the community prior to any artist being selected, prior to art being commissioned, to tell them what we're doing and to inform them about the procedures of the GSA and the NEA and how we go about making these selections, to try to develop some exhibitions of contemporary art, inform them of our processes, ask them what their concerns are, try to share with them what we feel are the positive aspects of these commissions, so that they don't feel their space is simply intruded upon, that art appears overnight by their "big brother" in Washington.

It is something that we are very seriously pursuing and we think it's a very serious part of this whole process.

Mr. LEVITAS. Do I understand that all of the art in Architecture is by commission for the particular project? Is there no purchase of existing art off the shelf, or a utilization of previously created work?

Mr. DIBNER. There have been a few instances where there was a purchase off the shelf, so to speak. The mainstream of this art-in-architecture program is the creation of an artwork specific for that project by a living American artist.

Mr. LEVITAS. I have heard of some utilization—and I'm not talking about major artwork of this sort—but of moveable art, paintings or other types of art which can be selected under certain circumstances by the occupants of the GSA building.

What type of program is that and where is it utilized?

Mr. DIBNER. That is part of the interior design program and is not part of this particular art-in-architecture thing. It's moveable art, impermanent art so to speak, a more decorative kind of art compared to what work is permanently installed in the building to respond to the needs of the building and the people in that building.

Mr. LEVITAS. And how does that program work, that moveable art program?

Mr. DIBNER. I'm not very familiar with it, sir, but I can supply you with some information on it.

Mr. LEVITAS. Is that a national program, or is it just in Washington?

Mr. DIBNER. I believe it's national. I believe the Federal Supply Service has in its inventory certain graphics, for instance, that office occupants can buy to put on their walls and things like that.

Mr. LEVITAS. Also, it was understood, when I was talking about the present costs and anticipated costs, I am not just confining it to those incurred by GSA. I'm talking about those costs also associated with NEA.

Mr. DIBNER. Yes. We'll give you the comprehensive costs.

Mr. LEVITAS. Turning to the Russell Building situation for a moment, you mentioned that one of the problems that exists generally is the fact that the people in the community are not aware in advance of the installation of what's coming. That also appears to be true, that even people in the building itself are not informed.

In the Russell Building situation, the so-called drop cloth incident, I am told that the people who were working in the immediate area, the judges and associated employees of the court, didn't know what was going to be installed until it was actually being hung. Is that correct?

Mr. DIBNER. Yes, Mr. Chairman. I think what happened in the Russell Building highlights the reason for the task force looking at not just what the panel membership should be, but to look at the entire operation fo the art-in-architecture program; how can artwork be best received, you know, once it has been selected. I think the Russell Building and the incident there highlighted that, and it's an attempt to forestall any further problems similar to people awakening, as in Huron, S. Dak., by the way.

Mr. LEVITAS. Well, I will say this—and this is, I assure you, in no way intended to be facetious; in fact, it's quite the contrary—that the Russell Building seems to be the laboratory in which we find how things can be done right the next time, every particular, beginning to end.

I am passing no judgment on the quality of the art. I haven't seen the particular item involved. But when it was being displayed or being hung, the outcry from people, who were absolutely surprised at what was going on, without any foreknowledge of the nature of the art, where it was going to be, highlighted to me some of the concerns that Mr. Abdnor has. It is not a question of passing judgment on the quality of it or its esthetic value; it's the fact that here we are talking about what is obviously going to be a matter of controversy and in many instances people are going to have to live in relationship to it for a long period of time. It just seems to me to be commonsense to take some steps to make certain that people are a part of the process, particularly those exposed to it.

Mr. DIBNER. Mr. Chairman, to show you the other side of the coin, in a building in Ohio in which artwork is presently being installed, the artist who is there helping to install it has made it almost an event within both the building and the city. People are experiencing the whole creation of that artwork right as it is being created by the artist. To me—and I think we all agree—that is the proper way to go. Unfortunately, it didn't happen in Atlanta, but it is using that as a model. It happens to be in Topeka, Kans., rather, and not Ohio. They are using that as a model, getting the local TV stations involved in the process, so that the artwork does not suddenly appear. It is a very important aspect that this task force is looking into.

Mr. LEVITAS. I don't have any further questions.

At this point I want to state that I have received a message from Jay Solomon, stating that he was unable to appear before the committee today because of short notice and a conflicting engagement, but has stated he would welcome the opportunity to appear in the event there are future hearings on this matter.

Gentlemen, we appreciate your participation in this process.

I would suggest that if you have any specific thoughts or proposals, or suggestions, if you would communicate them to the committee prior to our taking further action on this legislation,I think it would be constructive to have that type of input. Congress hopefully will adjourn by December 14, to reconvene on January 22, and I understand this report is to be ready by the end of January. So certainly we will keep that in mind in deciding what our agenda is.

If there is no further business to come before the subcommittee, we will stand adjourned.

[Whereupon, at 2:23 p.m., the subcommittee was adjourned.]

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